يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُم مِّن نَّفْسٍ وَاحِدَةٍ
وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً (سورة النساء:1)

FAMILY AFFAIRS
in the light of Quran & Hadith

WRITTEN BY:
DR. MAULANA MOHAMMAD NAJEEB QASMI

EDITED BY:
ADNAN MAHMOOD RASHEED USMANI

www.najeebqasmi.com



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Family Affairs

in the Light of Qur'an & Hadith

Written by:
Dr. Maulana Mohammad Najeeb Qasmi

Edited by:
Adnan Mahmood Rasheed Usmani

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Family Affairs in the Light of Qur’an & Hadith

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First English Edition: March 2016

Published by:
Freedom Fighter Maulana Ismail Sambhali Welfare Society, Deepa Sarai, Sambhal, UP, India

Address for Gratis Distribution:
Dr. Muhammad Mujeeb, Deepa Sarai,
P.O. Sambhal, UP (Pin Code 2044302) India

Contents

PREFACE .... **VII**

FOREWORD .... **IX**

REFLECTIONS .... **XI**

REFLECTIONS .... **XIII**

REFLECTIONS .... **XV**

1. OBEDIENCE OF PARENTS **1**

- THE QUR'ANIC VERSES 1
- HOLY AHADITH 2
- RIGHTS OF PARENTS WHEN THEY ARE ALIVE 4
- RIGHTS AFTER THEIR DEATH 5

2. RIGHTS AND OBLIGATIONS OF SPOUSES UNDER SHARI'AH **6**

- WHAT ARE RIGHTS? 6
- SECURING THE RIGHTS 6
- HUSBAND-WIFE RELATIONSHIP 7
- TWO OBJECTIVES OF NIKAH 7
- RECIPROCAL RIGHTS AND OBLIGATIONS 8
- OBLIGATIONS OF THE HUSBAND 8
- SOME CRUCIAL OBLIGATIONS OF THE HUSBAND 9
- OBLIGATIONS OF WIFE TOWARDS HUSBAND 12
  - *1. Obedience and loyalty to husband:* *12*
  - *2. Protection of the honour and property of the husband:* *16*
- CONCURRENT RESPONSIBILITIES OF SPOUSES 17
- JOINT ENDEAVOUR TO PROTECT THE MEMBERS OF THE FAMILY FROM HELL FIRE 18

3. DAUGHTER IS A MERCY OF ALMIGHTY ALLAH **20**

- PROPHET'S (PBUH) CONDUCT WITH HIS DAUGHTERS: 23
- CHILDREN'S RIGHTS 24

4. 'AQĪQAH **26**

- SOME OF THE BENEFITS OF 'AQĪQAH: 26
- SOME NARRATIONS (AHADITH) RELATED TO 'AQĪQAH: 27

‘Aqīqah on the seventh day – is it necessary? ... 28
Difference between ‘Aqīqah of a male and a female ... 28
Is there any difference between ‘Aqīqah of a male and a female baby? ... 28
Why there is difference between ‘Aqīqah of a male and a female baby? ... 29
In place of goat / sheep, other animals can also be slaughtered ... 29
Can a camel / cow be shared in ‘Aqīqah for a number of babies? ... 30
Can bones of ‘Aqīqah animals be broken and then cooked? ... 30
‘Aqīqah can also be done by a *Baligh* (adult) male or female ... 30
Miscellaneous issues: ... 31

5. ADHAN AND IQAMAT IN THE EARS OF A NEWLY BORN BABY ... 32

Some wisdoms of pronouncing Adhan and Iqamat ... 32

6. SPECIAL ISSUES OF WOMEN ... 34

Issues of Menses and Puerperium ... 34
Issues of Vaginal Bleeding (Istehadha) other than menstruation ... 36
Usage of Contraception ... 37
Abortion ... 37
Issues concerning prohibition of Radha’ah (Breastfeeding) ... 37

7. WOMEN TO WHOM MARRYING IS FORBIDDEN ... 40

Relative Kinship ... 40
Foster Relations ... 40
Matrimonial Relations ... 41
General Relations ... 41
Clarification: ... 41
Relative Kinship ... 41
Foster Relations ... 42
Matrimonial Relations ... 42
Clarification: ... 42

8. THE SCIENCE OF INHERITANCE AND ITS ISSUES ... 43

Literal Meaning ... 43
Islamic Term ... 43
Importance of the Science of Inheritance ... 43
Law of Will ... 45
Kinds of Inheritors ... 47

Sahibul Fardh (Legal Inheritors): *47*
Blood Relatives *47*
Relatives on the maternal side *47*
WHO ARE ENTITLED TO THE INHERITANCE? 48
Shares of the husband and wife *49*
Share of Father *50*
Share of Mother *50*
Shares of Children *51*
Shares of Brother and Sister *52*

9. NIKAH– A BLESSING, TALAQ– A NECESSARY EVIL AND 'IDDAH– A DIVINE ENJOINMENT 54

NIKAH – A BLESSING 54
TALAQ– A NECESSARY EVIL 55
Talaq – the unilateral right of the man to divorce his wife *56*
Khul' (or Khula) *56*
TYPES OF TALAQ 57
Talaq Raj'i *57*
Talaq Ba'in *58*
Talaq Mughallz *58*
THREE TALAQS IN ONE GO 59
'IDDAH– A DIVINE ENJOINMENT 60
'Iddah after the death of husband *61*
'Iddah for separation by way of Talaq or Khul' *61*
Rationality behind the enjoinment of 'Iddah *63*
SOME RELATED RULINGS 63

10. TRIPLE TALAQ UNDER ISLAMIC SHARI'AH 65

11. REPORT OF THE SAUDI COUNCIL OF SENIOR THEOLOGIANS - A SYNOPTIC VIEW 71

THE NON-CONFORMIST POSITION 72
THE OPINION OF THE MAJORITY 74

12. ISSUES OF IDDAT (WAITING PERIOD) 78

MEANING OF IDDAT 78
LEGAL STATUS OF IDDAT (WAITING PERIOD) 78
THE WAITING PERIOD IS OBLIGATORY FOR TWO REASONS: 78
Death of husband: *78*
Divorce or (Repudiation) Redemption: *79*

Benefits of Iddat (Waiting Period) 81
Miscellaneous Issues 82
AUTHOR'S INTRODUCTION 84

Preface

بِسْمِ اللهِ الرَّحْمنِ الرَّحِيْم

اَلْحَمْدُ لِلّهِ رَبِّ الْعَالَمِيْن،وَالصَّلاۃ وَالسَّلامُ عَلَى النَّبِيِّ الْكَرِيم وَعَلیٰ آله وَاَصْحَابه اَجْمَعِيْن۔

Prophet Muhammad (PBUH) came with a universal message. His message was not restricted to a certain tribe or a nation. It was not meant for a limited period either. Rather the message he was shouldered with was general and timeless.

After the departure of the Prophet Muhammad (PBUH) from this world, entire Muslim Ummah, in general, and Ulama, in particular, were entrusted with the noble responsibility of preserving that eternal message of the Prophet Muhammad (PBUH) and passing it on to the subsequent generations. So the interpreters of the Qur'an and scholars of Hadith and Fiqh of different eras have served Islam using the best available resources at their times.

Modern technologies such as websites, WhatsApp, Facebook, YouTube and mobile apps are being used currently for sharing Islamic messages and spreading teachings of Prophet Muhammad (PBUH). But it needs to be accelerated to maximize the advantages of these technologies.

Some of my sincere friends extended their technical and financial support to me so that I may also take my part in service of Islam by using modern technologies. Our team launched our website (www.najeebqasmi.com) in 2013 and two mobile applications (Deen-e-Islam and Hajj-e-Mabroor) in 3 languages in 2015. 18 Ulamas of India and Pakistan and different Islamic institutions have given their reviews about these two apps appreciating the glorious efforts made by me and my team in bringing out such Islamic apps.

While preparing these apps, my articles (around 200) were translated into English and Hindi languages. They were edited

by the experts. Hindi translations of the said articles are simple and easy to understand.

By the grace of Allah, English and Hindi translations of these articles have been compiled into 14 books in each language according to subject, totaling them to 28 books in all. Apart from this, seven books were written earlier in Urdu. Nine more books are being compiled in Urdu. These books are collections of various articles which were published in newspapers and magazines at different times.

Family is the basis of civilization and society, the relationship of family members and defining their mutual rights and duties is the foundation of family-life. It is a very difficult problem; human beings have tried to define the rights and duties of family memers since the beginning of humanity - and the result is a never-ending conflict of theories and a mass of irreconcilable views and opinions. The current book, "Family Affairs in the Light of Qur'an & Hadith" will help the readers in better understanding these issue in an Islamic perspective.

I pray to Allah to accept this small effort made by me with the sole intention of serving Islam. I also pray to Allah for the scholars who wrote encouraging reviews, well-wishers who provided their technical and financial support for this project, translators, editors and designers.

Special thanks to Hazrat Maulana Abul Qasim Numani (Muhtamim of Darul Uloom Deoband), Maulana Mohammad Asrarul Haque Qasmi, M.P. (India) and Professor Akhtar Alwasy (Ex-director of Zakir Hussain Institute of Islamic Studies) for their valuable reviews on the books.

I also express special gratitude to Mr. Adnan Mahmood Usmani for editing these books and to Dr. Shafa'atullah Khan for his consistent support throughout this project.

Mohammad Najeeb Qasmi, Riyadh
01-06-1437 = 10-03-2016

Foreword

In the name of Allah, the Most Beneficent, Most Merciful
Praise be to Allah, Peace and blessings of Allah be upon His Messenger, Muhammad, and all his family and companions.

We are living in an age of tremendous cataclysm and uncertainty. People everywhere are groping anxiously for something that can save humanity, which has lost its way and is on the brink of unprecedented disaster. It is also true to say that we live in an era of the ultimate material civilization and progress, but in terms of values and morals, mankind appears to be diminishing day by day. Islam claims to provide answers and solutions, ones which are compatible with reason, logic, and the realities of the human life, In Islam, there are no obscure or mysterious things that we have only to believe without being allowed to ask about them. It is the Qur'an, Hadith and Sunnah which provide answers in convincing, conclusive and incomparable style.

Dr Najeeb Qasmi wrote many articles on contemporary issues and tried to guide humanity to the right path. But all his articles were limited to Urdu language and it was required to translate his work into English to convey the teachings of Islam to a broader horizon. The task of translating and editing into English at individual articles level and then compiling them into 13 volumes was an arduous one but with the blessing of Almighty Allah, I was able to accomplish this task within the specific time and I am thankful to my family for all their cooperation. Without their kind support it would not have been possible to complete it in time.

May Allah accept our efforts to spread the message of Islam and guide us all to the right path.

Adnan Mahmood Usmani
Consulting Editor
Riyadh, Saudi Arabia
16 March, 2016, 6 Jumada' II, 1437

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باسمہ سبحانہ وتعالیٰ

جناب مولانا محمد نجیب قاسمی سنبھلی مقیم ریاض (سعودی عرب) نے دینی معلومات اور شرعی احکام کو زیادہ سے زیادہ اہل ایمان تک پہونچانے کے لئے جدید وسائل کا استعمال شروع کرکے، دینی کام کرنے والوں کے لیے ایک اچھی مثال قائم فرمائی ہے۔

چنانچہ سعودی عرب سے شائع ہونے والے اردو اخبار (اردو نیوز) کے دینی کالم (روشنی) میں مختلف عنوانات پر ان کے مضامین مسلسل شائع ہوتے رہتے ہیں۔ اور موبائل ایپ اور ویب سائٹ کے ذریعہ بھی وہ اپنا دینی پیغام زیادہ سے زیادہ لوگوں تک پہونچا رہے ہیں۔
ایک اچھا کام یہ ہوا ہے کہ زمانہ کی ضرورت کے تحت مولانا نے اپنے اہم اور منتخب مضامین کے ہندی اور انگریزی میں ترجمے کرادیے ہیں، جو الیکٹرونک بک کی شکل میں جلد ہی لانچ ہونے والے ہیں۔

اور امید ہے کہ مستقبل میں یہ پرنٹ بک کی شکل میں بھی دستیاب ہوں گے۔

اللہ تعالیٰ مولانا قاسمی کے علوم میں برکت عطا فرمائے اور ان کی خدمات کو قبول فرمائے۔ مزید علمی افادات کی توفیق بخشے۔

ابوالقاسم نعمانی غفرلہ
مہتمم دارالعلوم دیوبند
۳/۶/۱۴۳۷ھ

Reflections

Maulana Mohammad Najeeb Qasmi, current resident of Saudi Arabia, made a great accomplishment of conveying Islamic information to the believers by using modern technologies. It, in fact, serves a good example for those who are working in the religious field.

His articles dealing with diverse Islamic subjects have been regularly published in Saudi Arabia based Newspaper, “Urdu News”. He has been serving Islam through his Mobile applications and website which he launched to spread message of Islam to a larger group of humanity. Recently, he got all his important articles translated into English and Hindi languages which are going to be launched in the form of electronic books. I hope these collections will be published in future in print edition as well.

May Allah bless Maulana Qasmi with more barakah in his knowledge and grant acceptance to his works.

Abul Qasim Nomani
Mohtamim of Darul Uloom Deoband
03-06-1437 = 13-03-2016

Mohammad Asrarul Haque
Member of Parliament
(Lok Sabha)

تاثرات

عصر حاضر میں دینی تعلیمات کو جدید آلات و وسائل کے ذریعہ عوام الناس تک پہنچانا وقت کا اہم تقاضہ ہے، اللہ کا شکر ہے کہ بعض دینی، معاشرتی اور اصلاحی فکر رکھنے والے حضرات نے اس سمت میں کام کرنا شروع کردیا ہے، جس کے سبب آج انٹرنیٹ پر دین کے تعلق سے کافی مواد موجود ہے۔ اگرچہ اس میدان میں زیادہ تر مغربی ممالک کے مسلمان سرگرم ہیں لیکن اب ان کے نقش قدم پر چلتے ہوئے مشرقی ممالک کے علماء و داعیان اسلام بھی اس طرف متوجہ ہورہے ہیں جن میں عزیزم ڈاکٹر محمد نجیب قاسمی صاحب کا نام سرفہرست ہے۔ وہ انٹرنیٹ پر بہت سا دینی مواد ڈال چکے ہیں، باضابطہ طور پر ایک اسلامی و اصلاحی ویب سائٹ بھی چلاتے ہیں۔

ڈاکٹر محمد نجیب قاسمی کا قلم رواں دواں ہے۔ وہ اب تک مختلف اہم موضوعات پر سینکڑوں مضامین اور کئی کتابیں لکھ چکے ہیں۔ ان کے مضامین پوری دنیا میں بڑی دلچسپی کے ساتھ پڑھے جاتے ہیں۔ وہ جدید ٹکنالوجی سے بخوبی واقف ہونے کی وجہ سے اپنے مضامین اور کتابوں کو بہت جلد دنیا بھر میں ایسے ایسے لوگوں تک پہنچادیتے ہیں جن تک رسائی آسان کام نہیں ہے۔ موصوف کی شخصیت علوم دینی کے ساتھ علوم عصری سے بھی آراستہ ہے۔ وہ ایک طرف عالم دین ہیں، تو دوسری طرف ڈاکٹر و محقق بھی اور کئی زبانوں میں مہارت بھی رکھتے ہیں اور اس پر مستزاد یہ کہ وہ فعّال و متحرک نوجوان ہیں۔ جس طرح وہ اردو، ہندی، انگریزی اور عربی میں دینی و اصلاحی مضامین اور کتابیں لکھ کر عوام کے سامنے لارہے ہیں، وہ اس کے لئے تحسین اور مبارک باد کے مستحق ہیں۔ ان کی شب و روز کی مصروفیات و جدوجہد کو دیکھتے ہوئے ان سے یہ امید کی جاسکتی ہے کہ وہ مستقبل میں بھی اسی مستعدی کے ساتھ مذکورہ تمام کاموں کو جاری رکھیں گے۔ میں دعا گو ہوں کہ باری تعالیٰ ان سے مزید دینی، اصلاحی اور علمی کام لے اور وہ اکابرین کے نقش قدم پر گامزن رہیں۔ آمین!

مخلص

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Reflections

In the present era, modern technologies are very effective tools to spread one's ideology. I appreciate that some Islamic scholars already took initiative to create religious awareness in the Muslim society using these new technologies. We can find wide range of Islamic information already available at internet. Majority of those scholars are from Western countries. Now Ulama of Eastern countries are following their footsteps. Dr. Mohammad Najeeb Qasmi is one of them. He has already created his own Islamic website.

Dr. Mohammad Najeeb Qasmi is a religious scholar and researcher. He has written many articles and books on various Islamic topics which are read by a massive number of people throughout the world. His knowledge and understanding of innovative technologies assists him to convey his messages to Muslim community in the world. His efforts to bring his articles and books in Urdu, Hindi and English languages are admirable. We expect that his enthusiasm towards serving Islam will continue in the future. May Allah bless Dr. Qasmi with more knowledge of Islam.

(Maulana) Mohammad Asrarul Haque Qasmi
M.P. (India)
President of All India Education & Social Foundation – New Delhi

प्रो. अख़्तरूल वासे
आयुक्त
PROF. AKHTARUL WASEY
Commissioner

सत्यमेव जयते

भाषाजात अल्पसंख्यकों के आयुक्त
अल्पसंख्यक कार्य मंत्रालय
भारत सरकार
Commissioner for Linguistic Minorities in India
Ministry of Minority Affairs
Government of India

تقریظ

اطلاعاتی انقلاب برپا ہونے کے بعد جس طرح ہر قسم کی معلومات انٹرنیٹ کے ذریعہ آنکھوں کی دو چتلیوں میں سما گئی ہیں۔ اس نے "گاگر میں ساگر" اور "کوزے میں دریا" کے تخیلاتی تصورات کو نہ صرف حقیقت بنادیا ہے بلکہ ان پر ہمارا انحصار روز بروز ناگزیر ہوتا جارہا ہے۔ گوگل (Google) ہو یا وکی پیڈیا (Wikipaedia) یا پھر دوسری سوشل سائٹس انہوں نے ترسیل وابلاغ کو وہ ہمہ جہت رخ اور رفتار کی تیزی عطا کی ہے کہ فراق وفصل کے تمام تصورات بے معنی ہو کر رہ گئے ہیں۔ لیکن اس اطلاعاتی انقلاب نے ایک پیچیدہ مسئلہ یہ پیدا کر دیا ہے کہ اطلاعات رسانی اور خبروں تک رسائی میں حقائق سے گریز یا ان کو مسخ کرنے کا چلن بھی اس طرح شامل ہو گیا ہے اور اس سچائی کو اسلام اور مسلمانوں سے بہتر کون جانتا ہے۔ دوسرا انگیز مسئلہ یہ ہے کہ باخبر ہونے اور معلومات حاصل کرنے کے لئے اب مطالعہ کی عادت لوگوں میں خاصی کم ہوتی جا رہی ہے۔ کیونکہ موبائل کے روپ میں دنیا ان کی مٹھی میں سمائی رہتی ہے اور وہ سب کچھ اسی کے ذریعہ جاننا چاہتے ہیں۔ اس چیلنج اور مسئلے کے حل کے لئے ضروری ہے کہ ہم غلط بیانیوں اور حقائق کو دنیا پر آشکار کرنے کے لئے اور اپنے ہم مذہبوں خاص طور پر نئی نسل کو صحیح معلومات فراہم کرنے، انہیں رہنمائی دینے اور ان کے شعور میں بالیدگی اور پختگی لانے کے لئے اس اطلاعاتی انقلاب کے جتنے بھی وسائل و ذرائع ہیں ان کا بھرپور استعمال کریں۔

مجھے خوشی ہے کہ ہمارے ایک موقر اور معتبر عالم حضرت دین مولانا محمد نجیب قاسمی نے جو ازہر ہند دارالعلوم دیوبند کے قابل فخر ابنائے قدیم میں سے ہیں اور عرصہ سے مملکت سعودی عرب کی راجدھانی ریاض میں برسر کار ہیں، انہوں نے اس ضرورت کو بخوبی سمجھا اور دنیا کی پہلی اسلامی موبائل ایپ "دین اسلام" اور "حج مبرور" اردو، انگریزی اور ہندی میں تیار کیا تھا اور اب وقت گزرنے کے ساتھ نئے سوالات کی روشنی اور علمی ضرورتوں کے تحت نئے مضامین اور نئے بیانات شامل کر کے ایک دفعہ پھر نئے انداز کے ساتھ پیش کرنے جارہے ہیں۔ مزید برآں زندگی کے مختلف پہلوؤں پر دین کے حوالہ سے دو سو مضامین کے الیکٹرونک ایڈیشن کو بھی منظر عام پر لایا جارہا ہے۔ مجھے وقتاً فوقتاً محترم مولانا محمد نجیب قاسمی صاحب کے مقالے، الیکٹرانک مضامین اور علمی فتوحات سے استفادہ کرنے کا موقعہ ملتا رہا ہے۔ مجھے ان کے متوازن، اعتدال پسند اور عالمانہ انداز تحریر نے ہمیشہ متاثر کیا۔ میں مولانا نجیب قاسمی کی خدمت میں ہدیۂ تبریک وتشکر پیش کرتا ہوں اور خدا سے دعا کرتا ہوں کہ وہ ان کی عمر میں درازی، علم میں اضافہ اور قلم میں مزید پختگی عطا فرمائے۔ کیونکہ:

ستاروں سے آگے جہاں اور بھی ہیں
ابھی عشق کے امتحاں اور بھی ہیں

(پروفیسر اختر الواسع)
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سابق صدر: شعبہ اسلامک اسٹڈیز جامعہ ملیہ اسلامیہ، نئی دہلی
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Reflections

The revolution of information technology has provided easy access to all kinds of information. Maxims like "Ocean in a pot" does not seem to be an imagination anymore. Our dependence on the technology is increasing. Google, Wikipedia and other social websites are the fastest tools of information and communication. But this abundance of information has created confusion. Instead of conveying truth to people, it is being used to spread distorted reality. This is harming Islam and Muslim mostly. Second major issue is that internet has affected the habit of book reading. In such scenario, we need a positive use of these resources of information, so that we can expose the truth to people and guide the Muslim community especially young generation to the right path.

I am glad that our respected scholar Maulana Muhammad Najeeb Qasmi who is one of the alumni of Darul Uloom Deoband and has been residing in Riyadh, Saudi Arabia for quite a long time felt this need. He launched the first Islamic mobile application "Deen-e-Islam" and "Hajj-e-Mabroor" in Urdu, Hindi and English languages. Considering the needs of time, he is again presenting it with the addition of new articles and speeches. Moreover, he is going to launch electronic edition of two hundred articles on different religious aspects. I often read his electronic articles. His moderate and scholarly articles always touch me. I express my gratitude to Maulana Najeeb Qasmi and pray for his long life to Allah. May Allah bless him with more knowledge.

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1. Obedience of Parents

Honouring and well-behaving with parents has been especially emphasized in the holy Qur'an and Sunnah. Allah the Exalted at many occasions and places, along with ordering His worship and Oneness has commanded us to behave the parents well. Therefore, it clearly denotes the importance of respect, obedience and service towards parents. Specific importance and emphasize on parents' obedience and its merits are also mentioned in Ahadith. May Allah make us obedient, well-behaving to our parents and help us to serve them fully and wholeheartedly!

The Qur'anic Verses

- And your Lord has decreed that you not worship except Him, and to parents, good treatment. Whether one or both of them reach old age (while) with you, say not to them (so much as), "uff," and do not repel them but speak to them a noble word. And lower to them the wing of humility out of mercy and say, "My Lord, have mercy upon them as they brought me up (when I was) small." (Bani Israel 23, 24). Where Allah the Almighty commanded His servants to worship Him, at the same time He ordered them to behave towards parents well. At another place, along with thanking Him, He commanded to thank their parents too. Think highly, what a big issue is it, that the position and rank of father and mother is deemed essential after the worship and oneness of Allah the Almighty. Because, where the original source for the human's existence is Allah, so in the same way, the visible sources for the

coming of a human being into existence are parents. Thus, it is known that after polytheism (joining others with Allah), the greatest sin is to disobey the parents. As, Allah's apostle (PBUH) said: associating partners with Allah and disobedience of parents are great sins. (Bukhari)

- Whither to disobedience of the parents, even it is prohibited to express the displeasure or dislike or anger or rebuking, we are ordered by Allah the Almighty to speak with them in a noble way.

  وَلاَ تَنْهَرْ هُمَا و قُلْ لَّهمَا قَوْلاً كَرِيْماَ

  Simultaneously, we are commanded to lower to them the wing of humility out of mercy and modesty.

  وَاخْفِضْ لَهُمَا جَنَاحَ الذُّلِّ مِنَ الَّرحْمَةِ

  And to pray for the parents for the whole life, doubles its importance,

  وَقُلْ رَّبِّ ارْحّمْهُمَا كَمَا رَبَّيَانِي صَغِيْراً

- Worship Allah and associate nothing with Him, and to parents do good. (Surah Al-Nisaa 36).
- And We have enjoined upon man goodness to parents. (Surah al-Ankabut 8)

Holy Ahadith

- Abdullah Ibne Mas'ud (RA) reported:
  I asked the Messenger of Allah (PBUH): "Which action is dearest to Allah?" He (PBUH) replied, "Performing Salat (the prayer) at its earliest fixed time." I asked, "What is next (in goodness)?" He (PBUH) said, "Kindness towards parents." I asked, "What is next (in goodness)?" He (PBUH) said, "To participate in Jihad in the cause of Allah." (Bukhari and Muslim)
- Abdullah bin 'Amr bin Al-'as (RA) reported:

A man came to the Prophet (PBUH) of Allah and said, "I swear allegiance to you for emigration and Jihad, seeking reward from Allah." He (PBUH) said, "Is any of your parents alive?" He said, "Yes, both of them are alive." He (PBUH) then asked, "Do you want to seek reward from Allah?" He replied in the affirmative. Thereupon, the messenger of Allah (PBUH) said, "Go back to your parents and keep good company with them". (Muslim)

❖ A person came to Allah's Messenger (PBUH) and said:

Who among the people is most deserving of a fine treatment from my hand? He said: Your mother. He again said: Then who (is the next one)? He said: Again it is your mother (who deserves the best treatment from you). He said: Then who (is the next one)? He (the Holy Prophet) said: Again, it is your mother. He (again) said: Then who? Thereupon he said: Then it is your father. (Bukhari)

❖ Allah's apostle said:

'(Honouring) one's father may lead one to enter through the best of the gates of the Paradise, so take care of your parents, (it is so, whether you take care of them) or not. "The father is the best of the gates of Jannah, so if you wish, keep to the gate, or lose it." (Tirmidhi)

❖ The messenger of Allah (PBUH) said that "The pleasure of the Lord lies in the pleasure of the father. The anger of the Lord lies in the anger of the father." (Tirmidhi)

❖ The holy Prophet (OBUH) said: Whoever desires that his age is to be prolonged and his livelihood to be increased, then he has to behave his parents well and do good to your Kinship (to be helpful and good to your

kin, visit them and meet their needs, whether they are good to you or not). (Musnad Ahmad).

- The messenger of Allah (PBUH) said: Whoever treated and behaved his parents well, then, there is good news for him that Allah, the Exalted, will prolong his age. (Mustadrak Hakim).
- Allah's Apostle (PBUH) said: Let him be humiliated into dust, let him be humiliated into dust. It was said: Allah's Messenger, who is he? He said: He who sees either of his parents during their old age or he sees both of them, but he does not enter the Paradise. (Muslim)

In the light of the holy Qur’an and Sunnah, the whole Ummah is agreed upon the fact that disobedience of parents is a great sin. Displeasure of the parents causes the displeasure and resentment of Allah. So we should not be disobedient or negligent towards our parents. Particularly, when one of the parents or both of them, reaches the old age, we should not repel/rebuke them, we should not say them (as much as) the word ‘Uff”. We should serve and nurse them respectfully and with love and sincerity. Owing to their old age, you may dislike their some talks or actions, we have to keep our patience and bear them. Allah, the Almighty, will verily grant us the great reward for our patience, Insha Allah.

In the light of the holy Qur’an and Sunnah, the scholars have compiled some following rights of the parents. May Allah make us obedient of our parents and help us to fulfil their rights!

Rights of parents when they are alive

To give them full respect and honour, to love them, to obey them, to serve/nurse them, to provide them with all

possible means of comfort, to fulfil their requirements and visit them periodically, if they are far away.

Rights after their death

To seek forgiveness and mercy for them from Allah the Exalted, to do such acts/deeds that will cause to reward them, to honour and respect their relatives, friends and families, to extend possibly helping hands to their relatives, friends and family members, to pay their loans and return their trusts their owners and to fulfil their legitimate wills. Sometimes, pay visit to their graves for sending prayers to them.

Note: It is the responsibility of parents to maintain equality amongst the children and fulfil their legitimate needs and rights. It is usually noticed that the unmarried children are much loved by parents, which won't be hold on. Anyhow, to prefer younger children more than elder ones is quite inappropriate, which basically creates a lot of domestic problems. This is why, the parents should observe equality among all the children (irrespective of married or unmarried). If the children give money for house expenditure to the father (who is the head of the family), then he should carefully and correctly spend it. May Allah, the Exalted, make us the most obedient to our parents and also help our children to fulfil their rights.

2. Rights and Obligations of Spouses under Shari’ah

What are Rights?

Rights are claims or dues of one person upon another person or persons.

Securing the Rights

The Islamic *Shari’ah* enjoins everybody to perform his duties well, discharge his obligations properly and fulfil the due rights of others. The *Shari’ah* obliges everybody to fulfil the rights of Allah along with the rights of fellow beings. Fulfilment of the rights of human beings has been accorded even more importance.

Human society is based on interdependence. An interdependent society operates through correlation of rights and duties. Enjoyment of rights is dependent on the performance of related duties. Yet today everybody seems to be concerned with his own rights in disregard to the rights of others. Today people form organizations and launch movements and agitations to secure their individual and group rights but there hardly exist any organizations or movements to propagate performance of duties, discharging of responsibilities, and fulfilment of the rights of others. The *Shari’ah* has uniquely laid down utmost emphasis on discharging one's obligations towards others i.e. fulfilling their rights.

This idea of interdependence is implicit in S*ariah’s* scheme of the rights and duties of the spouses. Their duties and

obligations towards each other have been defined and each party is enjoined to perform his/her duties and respect and secure the rights of the other. If this rules observed, family life is bound to become blissful and pleasant.

Husband-Wife Relationship

A couple becomes husband and wife through a regularly concluded *nikah* in accordance with the ordinances of *Shari'ah*. By virtue of this *legal* contract two strangers are joined together as each other's life partners. The Qur'an has described the contract of *nikah* as *meethaq ghaleedh* (compact bond). By virtue of *nikah* the couple becomes entitled to legitimate enjoyment of each other physically and emotionally. The Qur'an metaphorically depicts husband and wife as each other's attire. No other simile can better mirror their intimate relationship. *Shari'ah* has, therefore, bound them with reciprocal rights and duties. Observing the familial rights and duties ensures a blissful married life.

Two Objectives of Nikah

Two important objectives of *nikah* have been declared in this *verse*: "And one of His signs is that he created out of your bodies your matches so that you could take comfort from them and he made you affectionate and kind towards each other. Verily in that are signs for the thinking people" (Ar-Rum: 21). The two objectives of the matrimonial bond as mentioned in this *verse* are:

1. That husband and wife derive physical and emotional comfort and satisfaction from each other.

2. That a unique bond of familial love, affection and mutual sympathy develops between them which is not seen between any other human individuals.

Reciprocal Rights and Obligations

Human beings are not atomized individuals but, as Aristotle said, they are social animals bound to live in family and society. Families are the building blocks of the society and husband and wife are the building blocks of a family. As such they are assigned a number of reciprocal rights and obligations without which the family system cannot be maintained. The obligations and responsibilities of the spouses may be placed into three categories:

1. Obligations of the husband towards the wife and corresponding rights of the wife over the husband.
2. Obligations of the wife towards the husband and corresponding rights of the husband over the wife.
3. Concurrent responsibilities of the husband and wife.

Obligations of the Husband

Allah has declared: "For them is (their rights upon their husbands) like what is upon them (rights of their husbands upon them) according to fair custom" (Al-Baqarah: 228). This *verse* encapsulates a code of husband-wife relations, which, if followed earnestly, shall ensure peaceful life and rule out intra-family dissension or strife. This evocative *verse* indicates that a wife is not like a chattel or maidservant without any rights. Rather she is an honoured life partner possessing definite rights under the *Shari'ah* which she must secure. These include not only the basic rights of bread and accommodation but also her mollification and emotional satisfaction. It is for this reason that the Messenger of Allah (PBUH) pronounced: "The

best among you is one who is best in the eyes of his household. Obviously that person will be considered as best who addresses the rights and needs of his household”. At the same time, the wife is also told that her husband also has certain rights over her. No wife can become lovable unless she fulfils the rights of her husband and keeps him pleased. Therefore, many *Ahadith* have praised women who are obedient to their husbands, love them and serve them well. Conversely, such women have been denounced who disobey and disgust their husbands.

Some Crucial Obligations of the Husband

1. Payment of *Mahr* to wife: Allah declares: "And give unto the women (whom you marry) their *mahr* in good will" (An-Nisa: 4). Payment of *mahr* (a divinely prescribed marriage gift or compensation or benevolent consideration from the husband to the wife) is one of the essential articles of the marriage contract as well as a religious obligation. Its quantum is determined by mutual agreement of the parties before the marriage and the quantum is confirmed by the bridegroom at the solemnization of marriage and has to be paid to the bride before contacting her physically. The payment of *mahr* may be deferred, in whole or in part, by the agreement of the parties. *Mahr* becomes an exclusive property of the bride and neither the husband nor their parents nor their brothers and sisters are entitled to take anything of it.

   It may be clarified here that the *Shari’ah* has not made the females responsible for their own maintenance. From birth till her marriage the expenses on her upkeep

and upbringing are met by her father and after marriage the husband is solely responsible under the law for her maintenance including all expenses on her accommodation, feeding, clothing, etc. Apart from all this, *mahr* is the exclusive property of the wife who can appropriate it in any way she desires. Either the father or the husband can advise her but cannot appropriate her money. Same is the case with her own personal property or inheritance. Either the husband or her father has no claim over it.

2. To meet all expenses on maintenance of wife and children: It is declared in the Qur’an: "It is incumbent on the progenitor of children (the husband) to provide for the food and clothing of his wife according to prevalent custom" (Al-Baqarah: 233).The Messenger of Allah (PBUH) pronounced to fear Allah in respect of your women because you have taken them in your custody as trust of Allah. It is by the command of Allah that their secret parts have been legitimized for your use. Therefore you should bear all expenses on their food and cloth from your own pockets (Muslim).
3. To provide accommodation to the wife: Allah has proclaimed: "You accommodate them where you accommodate yourselves within your capacity" (At-Talaq: 6) this is the ordinance in respect of the divorced woman. The husband is obliged to keep her in his own residence during *'iddat* (waiting period). If Shari’ah has placed the responsibly of accommodating the divorced woman within his own house then provision of a suitable accommodation to the existing wife is the responsibility of the husband in the first instance.
4. Fair treatment of the wife: The husband is bound to treat his wife fairly and justly. Allah proclaims: “And

cohabit with them in a fair manner, for even if you dislike them it may happen that you hate a thing wherein Allah has placed much good" (An-Nisa: 19).

Fair treatment of the wife is of great importance. It may be affected in several ways:

i. One ought to spend generously over his wife and children. The Messenger of Allah (PBUH) pronounced: If a person spends on his wife and children in the hope of reward from Allah then it is a sadaqah, i.e. something worthy of reward from Allah" (Bukhari).

ii. Consulting with one's wife: Although man has been made the head and manager of the family by virtue of his guardianship but good behaviour requires that the wife too be consulted in the management of household affairs. The Messenger of Allah (PBUH) pronounced: Consult your women in respect of their daughters, i.e. when negotiating for their matches (Ahmad, Abu Daud).

iii. To ignore the shortcomings of the wife: Ignore the shortcomings and mistakes of your women because Allah has endowed them with many good qualities which you like yourselves. The Messenger of Allah (PBUH) exhorted: Don't be angry with your women if you are displeased with something wrong done by them because they have other virtues which you may be pleased with (Muslim).

iv. Husbands should groom themselves to appear chic, smart and attractive to their wives just as they like their wives to look beautiful and smart. The companion of the prophet and the interpreter of the Qur'an, Abdullah bin Abbas (RA) disclosed, I groom myself for the sake

of my wife in the same way as my wife adorns herself for my sake (Tafsir Al-Qurtubi).

v. Taking care of the wife when she is indisposed and sick and to lighten her burden by participating in the household chores. Ayesha (RA) narrates that the Messenger of Allah (PBUH) took part in all tasks of the household. He swept the house, stitched patches to his own clothes, and mended his shoes himself (Bukhari).

Obligations of Wife towards Husband

1. Obedience and loyalty to husband:

Allah declares in the Qur’an: "Men are guardians over women by virtue of superiority accorded by Allah to some over others and by virtue of what they spend on them of their wherewithal. So virtuous women guard themselves and the property of their husbands in their absence in accordance with Allah's commands" (An-Nisa: 34).
In this *verse* Allah has accorded primacy to husbands over wives on two grounds:

i. Husbands have been appointed as guardians of wives.
ii. Husbands have bear the expenses on the maintenance of their wives and progeny.

Similarly, in another *verse* Allah declares: "Men have a degree (of superiority) over women" (Al-Baqarah: 228).

The Messenger of Allah (PBUH) pronounced: "A woman who prays five times, fasts during the month (of Ramadan), guards her genital parts and obeys her husband shall enter the paradise (Ahmad).
Once a woman came to the Messenger of Allah (PBUH) and submitted that she had been deputed by a group of

women to make a query to the prophet (PBUH): Allah has commanded men folk to join *jihad*. They receive their reward if they are injured and become immortal if martyred receiving sustenance from their God (Aale Imran: 169). What reward is there for us women folk who serve them? The prophet (PBUH) replied to her, go tell the women who have deputed you that, the obedience to your husbands and fulfilment of their rights is equal to *jihad* in the way of God for you. But few of you womenfolk fulfil their obligations properly (Tabrani, Bazzaz).

Clarification: The modern age is an age of sexual liberation and sexual equality as preached in the West. Many a misguided Muslims have joined this ill-directed movement. So far as human equality is concerned men and women both are equal before Allah, but so far as the mundane life and management of households is concerned here as well as in all other human organizations the working principle is the superior-subordinate relationship or the principle of hierarchy. This is a practical necessity and does not mean intrinsic inferiority of the subordinates who obey the orders of their superiors. The superiors and inferiors join together to carry out the functions and fulfil the objectives of their organization. So far as the maintenance and management of the family system is concerned, it is not accepted or exempted from the application of the universal principle of hierarchy implying unity of command. The idea of sexual equality cannot be applied here in an absolute sense. Let us look at the problem of household management in this way: What are the options available for an efficient and effective management of the household? Three situations emerge out:

i. Acting upon the notion of absolute sexual equality both husband and wife are made co-heads of the family (condominium).
ii. The wife alone is made the head (matriarchy)
iii. The husband alone is made the head (patriarchy).

Now let us consider the outcome of each one of these three options:

i. If a condominium is established there will be a clash of egos and a lot of strife in running the family affairs.
ii. The second option is ruled out on practical grounds because the differential of power and capacity between men and women does not allow the wife to dictate to and lord over the husband. As compared with man, woman has been created weaker in terms of physical power and mental capacity. So lordship of wife over husband is impossible.
iii. The residual option of the headship of the husband in the family appears to be the only practical and rational option. It is not because of any intrinsic inferiority of women but because of the natural difference between the sexes. Women do not match men in respect of physical and intellectual prowess. It is part of the law of nature. It is a divine dispensation. Husbands have been declared as the guardians of wives (An-Nisa: 34) and therefore men have been accorded a degree of superiority over women (Al-Baqarah: 228). But this does not mean intrinsic inferiority or permanent subjection of women. The affairs of the household are managed in coordination between husband and wife. So each is a friend, partner and complement of the other. It is not the relationship between a lord and a slave-girl or a maid servant.

Once the Messenger of Allah (PBUH) told Ayesha (RA): I know when you are pleased with me and when you are displeased? She asked: O Messenger of Allah (PBUH) how do you know? The prophet replied that when you are pleased with me you swear by *Rabbi Muhammad* (by the Lord of Muhammad) but when you are displeased you swear by *Rabbi Ibrahim* (by the Lord of Ibrahim). In displeasure you don't utter my name but utter the name of Ibrahim. Ayesha (RA) replied: O Messenger of Allah (PBUH), I skip only your name but nothing else. (Bukhari) Just ponder over it. Who is being displeased? Ayesha (RA), the youngest consort of the prophet. Whom she is being displeased with? The Messenger of Allah (PBUH) himself. It follows that it is not against the tenet of guardianship of the husband because the prophet (PBUH) himself gently acknowledged that he knows when she becomes displeased with him.

Likewise, you are reminded of the episode of imputation of commitment of infidelity on the part of Ayesha (RA). Even the prophet (PBUH) was put in confusion. But when the *verse* of her exoneration was revealed both the prophet (PBUH) and Ayesha's (RA) father Abu Bakr (RA) became jubilant. Abu Bakr (RA) called his daughter to stand up and thank the prophet (PBUH). Ayesha (RA) was lying in bed when she had listened to the *verse* of exoneration. She said it is the grace of Allah that He has exonerated me. But I cannot thank anybody else than Allah because all of you had presumed that I had committed something wrong (Bukhari). Apparently, Ayesha (RA) desisted from standing before the prophet (PBUH) to thank him. The prophet (PBUH) did not feel bad about it. Her pride was a family affair. It follows that the relationship between a husband and wife is that of between friends and partners and not that of between a ruler and a subject.

In short, by virtue of his guardianship and being the caretaker of the family, the husband has final say in all family matters though the wife is associated with him as an adviser, a well-wisher and a partner. Negation of the leadership of the husband would lead to disastrous consequences for the family.

2. Protection of the honour and property of the husband:

Allah has declared: "The pious wives guard (themselves and the property of their husbands) in the absence of their husbands by the command of Allah" (An-Nisa: 34).
The Messenger of Allah (PBUH) once said: Should I not tell you what is the most precious treasure of a husband? It is an upright wife. When the husband looks towards her she appears pleasant; when he bids her she obeys; when he goes on journey she safeguards his property and her chastity (Abu Daud; Nasai).
Protection of the property of the husband means that she takes nothing of his property nor gives anything of it to others without the permission of the husband. However, if the husband is stingy in providing for the household she can make up the shortfall by taking the needful without his permission. The Messenger of Allah (PBUH) had allowed Hind Bint Utaibah (RA), when she complained to him of the stinginess of her husband Abu Sufiyan (RA), "Take what is sufficient for you and your child according to the custom".(Bukhari, Muslim)
Protection of the honour of the husband means that she does not allow anybody to enter the home without the permission of her husband, or share her bed with anybody, or become intimate with a *ghair-mahram,* or go out of home without the permission of the husband.

1. To look after domestic affairs and rear children: Rearing of children is a natural function of a woman. An ideal woman would perform this function well. The Messenger of Allah pronounced: "A woman is a herder in the home of her husband and responsible for her herd"(Bukhari; Muslim).
2. A wife is not allowed to observe *nafl* (voluntary) fast without the permission of her husband. Abu Hurairah (RA) narrated that the Messenger of Allah (PBUH) pronounced, it is not proper for a woman to fast during the presence of her husband without his permission.
3. To protect the property of his husband, a wife should be careful about the money and property of her husband and should adopt economy in household expenditures. Similarly she should keep a watch over all matters of the housed and not leave them to maidservants exclusively.

Concurrent Responsibilities of Spouses

To be sympathetic towards each other and share in each other's pleasure and sorrow. Not to divulge each other's secrets to third persons. The Messenger of Allah (PBUH) said: On the Day of Judgement the most unfortunate person will be one who discloses the secret affairs of a husband and wife to others (Muslim).

It is but a common place that the husband should look after the external affairs and the wife take care of the internal concerns of the household. There is no specific provision either in the Qur'an or Sunnah obliging the wife to act as a cook for the household. However, when Ali and Fatimah (RA) were married the Messenger of Allah (PBUH) allotted the management of external affairs to Ali (RA) and assigned the domestic chores like cooking and cleaning to Fatimah (RA).

Satisfaction of each other's sexual needs is one of the crucial mutual responsibilities of the spouses. Abu Hurairah (RA) narrated that the Messenger of Allah (PBUH) stated: If a husband beckons his wife to his bed and she refuses to comply and keeps the husband disgusted, the angels of Allah keep damning her till the break of day. That means she will be deprived of the mercy of Allah.
There is a divine reward for mutual satisfaction of each other's sexual needs: The Messenger of Allah (PBUH) told his companions (RA): Allah will reward the couple for their sexual intercourse. The companions (RA) asked: O Messenger of Allah (PBUH), why should one deserve a reward when he indulges in sexual intercourse to satisfy his lust? The prophet (PBUH) put a counter question: If somebody satisfies his lust outside his family whether it is sinful or not? The companions (RA) replied: O course, it is sinful. The Messenger of Allah (PBUH) then replied: Because they keep away from satisfying their sexual needs in illegitimate ways and because they satisfy their needs legitimately within the family by the command of Allah there is a reward for it (Ahmad).

Joint endeavour to protect the members of the family from hell fire

Allah has proclaimed: "O you the believers protect yourselves and your households from that Fire whose fuel are humans and stones. It is attended by stern and harsh angels who do not defy God in whatever they are commanded by Allah to do and execute the commands given to them" (At-Tahreem: 6). When this verse was revealed Umar Bin Khattab (PBUH) came to the prophet (PBUH) and asked: We can protect ourselves from hell fire

but how could we protect our households? The Messenger of Allah (PBUH) replied: Prevent them from evil and bid them to do right. This action will protect them from the Hell, Insha Allah.

3. Daughter Is a Mercy of Almighty Allah

Almighty Allah said: *"To Allah belongs the kingdom of the heavens and the earth. He creates what He wills. He bestows female (offspring) upon whom He wills, and bestows male (offspring) upon whom He wills. Or both male and female and He leaves whoever He wills barren"***.** (Al-Shura: 49-50).

In case of infertility, in spite of all efforts, they get neither sons nor daughters. Actually this depends only on the Almighty Allah's will and His great wisdom. He gives everyone what is more suitable for him/her. Sons and daughters are among blessings and mercies of the Almighty Allah. We need both in order to fulfil the needs of the society. Men and women are helpful for each other, both would be incomplete, if they remain separated from each other. The Almighty Allah created this world and set everything so wisely and in such a beautiful way that everything has got due importance and became the sign of His great wisdom. In the same way the Almighty Allah has created both men and women, having equal importance and concerned rights. He made them inseparable from each other in order to carry on the system of this world. Both have been given distinguished features and respective responsibilities. Both need each other in order to fulfil worldly needs and to create an ideal society.

There are many evils and wrong practices which had into our so called modern society. Among such malpractices is the mind-set of people who looks down the female child.

They rejoice if they are blessed with a son, organize functions and do all possible things in order to demonstrate their happiness. On the contrary, if they have been given female child they do not feel happy, in lieu of that they are filled with inward grief and sadness. It is not only that but also sometimes father and all other members of the family put blame on the mother of the infant and she is verbally tortured without any wrong and she is vulnerable to their oppressions.

In fact, such mind-sets of people are very dangerous and harmful for moral and ethical values of our society. A female child is a mercy of the Almighty Allah and deserves all respects and affections as a male child does. Whosoever is blessed with it should be thankful to his Lord and happily accept His wise decision. It is inhuman to disregard a female child and it shows moral bankruptcy to have such behaviours. Despite all progress and development we are going back to the ignorant age with this malpractice. The holy Qur’an describes such unjust behaviours of ignorant age and strongly condemns them. Almighty Allah said:

“And when the news of (the birth of) a female (child) is brought to any of them, his face becomes dark, and he is filled with inward grief! He hides himself from the people because of the evil of that whereof he has been informed. Shall he keep her with dishonour or bury her in the earth? Certainly, evil is their decision”. (Al-Nahl: 58-59).

In this verse, the Almighty Allah has expressed evil practices of the ignorant age and asked us not to repeat them. So now it is our moral and religious duty to be happy on the birth of female child in the same way as we do it on

the birth of a male child, it is also our duty to treat all children equally.

There are a number of traditions in which the Prophet (PBUH) has expressed the virtue of upbringing daughters, some of them are as follows:

- Abu Sa'eed Al-Khudri (RA) narrated that the Messenger of Allah (PBUH) said: **"***Whoever has three daughters, or three sisters, or two daughters, or two sisters and he keeps good company with them ((treats them well, gives their rights fixed as per laws of Islamic Shari’ah) and fears Allah regarding them, then Paradise is for him”.* (Tirmidhi, chapter: regarding expenditure on daughters).
- The same Hadeeth is also narrated on the authority of Abu Hurairah (RA), but with a little addition, that is one of the companions of Prophet (RA) asked: *if anyone has only one daughter, will he be deprived of this virtue? The Prophet (*PBUH*) replied: If he brings her up in the same manner, he will also deserve the paradise.* (Ithaf Al-Sadat Al-Muttaqin).
- It is narrated by Aisha (RA) that the person who brings up daughters patiently, they will be a shield for him from the Hell Fire.(Tirmidhi)
- It is narrated on the authority of Anas (RA) that the Prophet (PBUH) said: Whoever has two or three daughters and he brings them up well (Treats them well and when they become mature enough he gets them married), he would be accompanied by me in the Paradise just like these two fingers. (Tirmidhi, chapter: regarding expenditure on daughters).
- It is narrated by Ayesha (RA) that once a woman came to her accompanied with her two daughters, she asked her for something, Aisha (RA) says that there was nothing at home other than one date, so she gave that

to the woman. The woman distributed it equally making it into two pieces so that each can get one. She did not take anything from that, then she returned. After a while, the Prophet (PBUH) came, Ayesha (RA) narrated the story to him, then the Prophet (PBUH) said: the one who has two daughters and treats them well, they would be a shield for him from the Hell Fire. (Tirmidhi).

Note: After reading the above-mentioned traditions regarding the person who has daughters and he brings them well, gives them proper education and gets them married after they reach the age of maturity, we can conclude the following three merits which he will deserve for his action:

1. Salvation from the Hell Fire.
2. Entry into the Paradise.
3. Company of the Prophet (PBUH) in the Paradise.

Prophet's (PBUH) Conduct with His Daughters:

The Prophet (PBUH) had four daughters and they were Fatimah (RA), Zainab (RA), Ruqaiyyah (RA) and Umme Kulthum (RA). The Prophet (PBUH) used to love them much. Three of them passed away while the Prophet (PBUH) was still alive. Only Fatimah (RA), the beloved daughter of the Prophet (PBUH) died six months after the Prophet's (PBUH) death. All the daughters of the Messenger (PBUH) were buried in 'Jannatu Al-Baqi' the famous graveyard in Medina Munawwarah. The Prophet (PBUH) used to love Fatimah (RA) a lot. Whenever he (PBUH) went on journey, the last person whom he used to meet, it was none other than Fatimah and when he came back from the journey, it was again Fatimah whom he

(PBUH) used to meet first. In fact the behaviour of the Prophet (PBUH) shows enormous love and care for daughters.

Children's rights

There are few points pertaining to children's rights which I would like to mention here and they are as follows:

1. It is obvious that love is the matter of heart, it is quite possible that one be more attracted to one of his children, but it should not be shown by action. Love is a hidden fact and it comes from within, it may be more or less. If anyone finds himself uncontrolled and increases his love for any of his children, he is not liable to answer for that, but if he shows it through his behaviour in such a way that may hurt his other children, then it is prohibited. It is the duty of parents to treat all of them equally.
2. If parents or either of them presents any gift to his children, it should be done on equal basis. Equality is not related to gifts only, but it also includes everything that they provide for them whether it is related to any edible item, clothing, money or any other thing. We should very clearly understand that both girls and boys have equal rights, there is no difference at all. One should not be mistaken and confused by the rulings of 'Wirathah' (Islamic laws pertaining to descent and distribution) i.e. share of two daughters is equal to one son's share. Here we should understand very clearly the fact that this share would be given to daughters after the death of father or parents, as far as he is alive daughters have equal rights as sons have. However the difference in the share of daughters after the death of parents is not going to lessen the value of girls, rather it boosts their rights. (The reason is that by that time generally she gets married and gets new right as

a wife, in addition to that she also deserves a considerable share in the property left by her parents).

3. However, the above mentioned instructions are for general situations, in particular cases exceptional treatment can be made and parents have open choice. For instance, any of the children fall ill, now parents have full right to spend extra money for his or her treatment. Similar is the case with education expenditure and any other needs. At the time of need, parents are allowed to make difference and they are not answerable for that.

As mentioned above, daughters have their shares in the property of their parents even after getting married.

4. ‘Aqīqah

Lexically, ‘Aqīqah means cutting. In Islamic Shari’ah it is spilling blood (sacrificing an animal) for a male or female baby on the seventh day of their birth. ‘Aqīqah is an emphasized Sunnah (Sunnate Mu’akkadah) and it is proved by the Prophet (PBUH), his companions (RA) and by several Mutawatir Ahadith (of continuously narrated chain).

Some of the benefits of ‘Aqīqah:

- By ‘Aqīqah closeness to the Almighty Allah is achieved through spilling the blood for the newly born babies during the initial breath of their lives.
- This is a kind of Islamic vaccination by which a newly born baby is saved from difficulties, harms, calamities, diseases and mischief by the order of the Almighty Allah. (Along with the worldly vaccination we should also use this Islamic vaccination).
- ‘Aqīqah is the way to celebrate the happiness on the birth of male/female baby which is a blessing of the Almighty Allah.
- On spilling the blood of ‘Aqīqaha father reserves his right to be recommended by his baby on the Day of Judgement. (See Hadith no: 2 below).
- By ‘Aqīqah a familiarity, love and friendship is strengthened among the relatives, friends and other members of the society.

Some narrations (Ahadith) related to 'Aqīqah:

1. The Messenger of Allah (PBUH) said: **"For a boy, there is an 'Aqīqah, so spill blood for him and remove the harm from him."** (Sahih Bukhari).
2. The Messenger of Allah (PBUH) said: **"Every boy is pawned against his "Aqīqah, to be slaughtered on his behalf on the seventh day of his birth, his head is to be shaved, and he must be given a name."**(Tirmidhi, Ibne Majah, Nasai, Musnad Ahmad). According to Ulama and scholars the meaning of the words (كل غلام مرتهن بعقيقته) of this Hadeeth is that if a father has the capacity to do 'Aqīqah but he does not do, in this case he will be deprived of the recommendation by his children. It means a father must do 'Aqīqah for his newly born babies.
3. The Prophet Muhammad (PBUH) said: "For the boy is two sheep, and for the girl is one."(Tirmidhi, Musnad Ahmad).
4. The Prophet Muhammad (PBUH) said: "For the boy is two sheep, and for the girl is one, it does not matter, if they (i.e. sheep) are male or female." (Tirmidhi, Musnad Ahmad).
5. The Prophet Muhammad (PBUH) did 'Aqīqah for both Hassan and Hussain on the seventh day of their birth gave names for them and ordered **that their head should be shaved."**(Abu Dawood).

In the light of the above-mentioned and other Ahadith, Ulama say that it is Sunnah to do 'Aqīqah of a newly born baby, to shave his/her head, to give a name and to do circumcision of a male baby on the seventh day of the birth. So, it is the responsibility of the father to do 'Aqīqah

if he is able. He should revive this Sunnah and should be hopeful for good reward by the Almighty Allah. By doing 'Aqīqah a baby is protected from calamities and illness, and the father gets the recommendation by his baby on the Day of Judgement.

'Aqīqah on the seventh day – is it necessary?

It is recommended to do 'Aqīqah on the seventh day. The reason is that one week (all seven days) have passed on the baby. But if a person could not do 'Aqīqah on the seventh day he should do on the 14th day or on the 21st day keeping in mind the 7th day as reports are available in the books which have been narrated by Ayesha (RA). If a person does 'Aqīqah, instead of the 7th day, on the 8th, 10th, or on other day it would suffice and he would get the virtue of Sunnah, though the recommended time of 'Aqīqah has already gone.

Difference between 'Aqīqah of a male and a female

Is there any difference between 'Aqīqah of a male and a female baby?

Offering 'Aqīqah for a male/female baby is Sunnah. However there is a slight difference between them. For the boy are there are two sheep/goats, and for the girl there is one. But if a person is not able to slaughter two sheep for a male baby then he can do one also as it is confirmed in the narration of Abdullah bin Abbas (RA) which has been reported in Abu Dawood.

Why there is difference between 'Aqīqah of a male and a female baby?

In society, Islam has given to the women the lofty status which was not given in any other heavenly or self-made religions. Nonetheless, it can be said confidently that the Holy Qur'an has declared male superior to female in certain aspects. For example the Holy Qur'an says: (وللرجال عليهن درجة) i.e. a man has superiority in status to the woman (Al-Baqarah: 238). The Qur'an says at another place: (الرجال قوامون على النساء) i.e. men are caretaker/maintainer of women (An-Nisa: 34). There are several Ahadith also which prove the superiority of male. This superiority is only to run the worldly affairs which are seen in every sect and at every place of the world, for example the burden of pregnancy and delivery is borne only by woman. For this reason, the Islamic Shari'ah has suggested two goats in 'Aqīqah for a male and one for a female baby and more detail of the reason behind this is known to the Almighty Allah.

In place of goat / sheep, other animals can also be slaughtered

Camel or cow can also be slaughtered in 'Aqīqah? In this regard Ulama have difference of opinions. But the fact is that (see Hadith No: 1 and 2) in place of goat, cow and camel can also be slaughtered for 'Aqīqah, because the Prophet (see Hadeeth) has only ordered to do 'Aqīqah and he did not add any condition, so cow and camel can also be slaughtered. In terms of age of the animal of 'Aqīqah, All Ulama present the same condition and detail as that of an animal for Eid-ul-Adha.

Can a camel / cow be shared in 'Aqīqah for a number of babies?

If a person wants to do 'Aqīqah of one cow for his two male sons and two daughters, is it right? Then, in this case there is difference of opinions among Ulama. Some say it is valid as we have several shares in the animal for Eid-ul-Adha. But the better and precautionary step is that at least one whole animal should be slaughtered for a male/female.

Can bones of 'Aqīqah animals be broken and then cooked?

In the light of some narrations and sayings of *Tabi'een* (those who followed the companions (RA)), some Ulama have written that in respect of the meat of 'Aqīqah, bones should be broken from joints and they should not be broken at random, but the Islamic Shari'ah did not mention and did not fix any such rules, these are only etiquettes and good manner to cook the meat. So there is no issue if a person breaks the bones of the meat of an 'Aqīqah's animal and cooks. It should be kept in mind that Indians and Pakistanis cook meat after breaking the bones and meat in small pieces.

'Aqīqah can also be done by a *Baligh* (adult) male or female

If 'Aqīqah could not be done for a person when he/she was a baby then in this case he/she can do 'Aqīqah by himself/herself when he/she is mature (as we see in India and Pakistan. People do not do 'Aqīqah and enjoy holidays

and when they become mature they think of doing 'Aqīqah). In some narrations we see that the Prophet (PBUH) had done 'Aqīqah after he was given prophethood (as Ibne Hazm has reported in al-Muhalla and Tahawi in al-Mushkil). Moreover, last time (of 'Aqīqah) has not been mentioned in any narration. It should be noted that grown up female's hair must not be cut or shaved because, for her, Sunnah of 'Aqīqah will be gained without cutting or shaving the hair.

Miscellaneous issues:

- Skin of the animal of 'Aqīqah should be given to poor and needy-ones or one can use it him/herself as people do with the skin of the animal of Eid-ul-Adha.
- Selling the skin or giving its price to butcher as his work-charge is not valid.
- Just like the meat of Eid-ul-Adha, one can eat the meat of 'Aqīqah and he/she can feed others too. If the meat of Adha is divided into three parts then it is recommended and better and in this way he should save one part for him/herself, one part for his/her relatives and one part for the poor and needy people, but this division in three parts is not necessary.
- It is valid to cook the meat of 'Aqīqah and invite the relatives on table or to distribute it without cooking.

Note: If a male/female baby was born on Friday then the 7th day would be on Thursday.

5. Adhan and Iqamat in the ears of a Newly Born Baby

There are some Islamic teachings which are practiced at the time of birth of a newly born baby. One of such teachings is to pronounce Adhan in the right ear and Iqamat in the left ear of the baby.

- Abu Rafi' (RA) said: when Hasan bin Ali (RA) was born, I saw the Prophet Muhammad (PBUH) pronounced Adhan in ear of Hasan bin Ali (RA). (Tirmidhi, Abu Dawood).
- Abdullah bin Abbas (RA) said: The Prophet Muhammad (PBUH) pronounced Adhan in the right ear and Iqamat in the left ear of Hasan bin Ali (RA) after he was born.
- Hasan bin Ali (RA) reported that the Prophet Muhammad (PBUH) said Adhan should be pronounced in the right ear and Iqamat in the left ear of a newly born baby, by this way the baby is saved from Umme Sibyan. (Baihaqi). Umme Sibyan is a kind of air which is harmful for the baby. Some say it is Jinn and a baby is saved from its mischief if Adhan and Iqamat are pronounced in the ears of that baby by the order of the Almighty Allah.

Some wisdoms of pronouncing Adhan and Iqamat

- The first benefit of pronouncing Adhan in the ear of a newly born child is that his ear hears firstly the name of the Almighty Allah who created the baby from a

minor drop and made him beautiful and among the best of the creatures.

- Several Ahadith of Sahih Bukhari and Sahih Muslim repot that Satan flees away when he hears the words of Adhan and Iqamat and when a baby is born Satan sits stealthily but when he hears Adhan and Iqamat the bad effect of the Satan becomes lower.
- The world is an examination hall that is why, when a newly born baby firstly comes to this hall he is given the lesson of Islam and the Divine Message.

Note: Though the narrations regarding pronouncing Adhan and Iqamat in the ears of a baby are weak but they get strength by several other proofs. Also, this practice of Adhan and Iqamat has been observed by the Muslims from the beginning of Islam. Imam Tirmidhi has considered this Hadeeth Sahih and authentic and said that this practice has been observed by the Muslims form the very beginning of Islam. So, we must pronounce Adhan in the right ear and Iqamat in the left ear of a newly born baby. This issue has been mentioned in detail in a very famous book of Allamah Ibne Qayyim "Tuhfatul Wadood Fi Ahkamil Maulood". Sheikh bin Baz and other Ulama and scholars have also written regarding this practice.

Mas'ala: If the words of Adhan and Iqamat could not be pronounced when a baby got born, they may be pronounced at a later stage also, but if much time has passed and he is no longer a baby then there is no need to pronounce these words.

6. Special Issues of Women

Issues of Menses and Puerperium

Menstruation is the blood which comes out from the womb of a woman (uterus) within the specified periods, without any sickness or disease. Since this blood comes out almost every month, therefore, it is also called (MC). Allah the Exalted has destined this blood for the whole women. This blood becomes food for an embryo during pregnancy. Beginning from adultery of a girl (12-13 years of age) to almost 50-55 years of age, this blood will come. The opinions of scholars on the maximum and minimum period of menses are diversified. However, its period usually prolongs from 3 to 10 days.

Puerperium is the blood which comes out from the uterus of a mother upon giving birth to a baby and after the birth. There is no limit for the minimum period of puerperium. (It may stop within one or two days.)And the maximum period of puerperium is 40 days. (Muslim, Abu Daud, and Tirmidhi), Therefore, if a woman purifies before 40 days, e.g. her blood stops, then she has to take bath and begin offering prayers. Waiting to complete 40 days period, even after stoppage of blood and not to offer prayers, etc. is a big mistake.

The following Issues are illegitimate (unjustified) for Menstruating and Puerperal Women:

1- Sexual intercourse in both of these two above cases. (Surat-ul-Baqarah 222). However, during these days excluding sexual intercourse, all types of lawful enjoyments and partying are allowed. The apostle of Allah (PBUH) said: excluding marital intimacy (sexual intercourse) all kind of actions can be practiced.

2- Offering of prayers and keeping fasts. (Muslim). Menstruating woman should do qaza of fasts only after her purification, but, she won't have to offer qaza of the prescribed prayers. (Bukhari and Muslim). The reason of difference between Salah rituals and fasts is better known to Allah the Exalted. Even though, the scholars are of the view that Salah is such a ritual, which is being repeated (every day five times), and this is why, it is possible that owing to avoid hardship and difficulty, its qaza is not sought in the Islamic Shari'ah. But the matter of Fast is quite unlike and contrary (as it is enjoined once during a year), so qaza of fasts is sought in the Islamic Shari'ah.

3- Touching the holy Qur'an without a barrier (cloth). The holy Qur'an can be touched only in the state of purity, it is therefore, during the impurity days, the woman should touch the holy Qur'an with only its outer cover. (Surat-ul Waqeah 79 & Nasai).

4- Circumambulating the Ka'ba (Bukhari & Muslim), however Sa'ee (running between Safa and Marwa) can be done in the state of impurity. (Bukhari).

5- Entering into mosques (Abu Daud), if a woman is inside Masjide Haram and she began to menstruate, then she should immediately come out the Masjid. Though, she is allowed to sit in either in Safa and Marwah or outside of Masjide Haram i.e. in its courtyard.

6- Reciting the holy Qur'an without touching it (Abu Daud), there are different views of scholars in this respect. But, all Ulama are agreed upon this fact that it is more precautionary not to recite the Qur'an during these days, even if it is without seeing the Qur'an, although the supplications and rituals mentioned in the Qur'an can be recited in these days.

Note:

- Marital intimacy of husband and wife while menstruating or during puerperal period and committing sexual intercourse from the rear at any time is unlawful and forbidden.
- It is permissible to take the medicines to stop menstruation (MC) temporarily.
- The bleeding of Menstruating or puerperal, at whatever Salah time may began, if she had not offered that Salah, then doing qaza of that Salah is not obligatory for her. She must restart offering Salah regularly as soon as her bleeding stops.

Issues of Vaginal Bleeding (Istehadha) other than menstruation

Besides menstruation or puerperium, sometimes a woman bleeds due to a disease, which is called "Vaginal Bleeding (Istehadha)". Due to bleeding of a disease (Vaginal Bleeding), the ablution breaks out, but offering the prescribed prayers and Fasts is not pardoned for this woman. Moreover, during the days of Vaginal Bleeding, marital intimacy can be practiced. (Abdu Daud & Nasai).

Note:

- If a woman is constantly bleeding due to any disease (Vaginal Bleeding), e.g. drops of blood are flowing without interruption, as she does not see even a very short time of break to offer the prayer, then, she is just like the person who is suffering from urinary dribbling that she will do ablution for a specific time of the prayer and she should offer whatever prayers or recitation of the Qur'an may be within this time, she has to do a

fresh ablution as and when the time of second prayer starts. (Bukhari& Muslim).

Usage of Contraception

Although, Islam urges the proliferation of generations, however, it allows to adopt such reasons (contraception) that stop pregnancy temporarily, such as usage of contraceptive pills or condoms or keeping sperm off (ejaculating sperm out of vagina). {Bukhari}.

Abortion

- ✡ If a woman becomes pregnant, it is not allowed to abort the embryo. (Surat Bani Israel 31, Surat Al-An'am 151).
- ✡ If there is a legitimate reason, then it is permissible to abort but in very limited conditions only.
- ✡ After the completion of four months of pregnancy, the abortion is absolutely Haram (unlawful and forbidden), because, it's tantamount to kill an alive soul.
- ✡ If continuation of pregnancy is exposing a danger to the life of mother, then abortion is permitted even after four months also. It is permitted for mere averting one of two big hazards and to get the one of two bigger advantages

Issues concerning prohibition of Radha'ah (Breastfeeding)

If a woman feeds a baby her breasts under the age of two years, then they both consequently become as mother and son (daughter). The majority of scholars are agreed on the fact that the basic condition for Radha'ah (Breastfeeding)

is that a baby had sucked up the breast before the weaning period. As Allah the Exalted has commanded:

والوَالِداَتُ يُرضِعنَ أَولاَدَهنّ حَولَيْنِ كَامِلَينِ لِمَنْ أَرَادَ أَنْ يُتِمّ الرَّضَاعَةَ

Baqarah 233

“Mothers may breastfeed their children two complete years for whoever wishes to complete the nursing (period).”

"There is no kinship by suckling except for a person who is nursed when he is small. There is no kinship by suckling over the age of two years." (Tirmidhi). It means that kinship of son (daughter) and mother will prove only when she nursed him/her before weaning period. After narrating this Hadeeth, Imam Tirmidhi (RHA) said: This Hadeeth is an authentic one and the same was the action of the blessed companions of the prophet (RA) that “No prohibition results from suckling except for what penetrates the intestines while on the breast before weaning.” If a baby suckles before weaning period, then kinship will be proved, if he suckles after the weaning period, so that will be no result of that. (Tirmidhi).

Even though, Imam Abu Hanifah (RA) has permitted to feed breast up to a period of two and half years. But, Hanafi scholars have issued a Fatwa to nurse/feed breast the new born baby for two years only.

If someone suckles the breast of her wife, then it does not affect their marriage pact. However, we should avoid such practice as much as possible. Right from the beginning of era of the blessed companions (RA) till today, 99.99% of Ummah’s Muhaddithin, Interpreters of the Qur’an, thinkers, jurists, four Imams and the majority of scholars have consensus on the fact that no prohibition/kinship will

prove if a woman breastfeeds a man, i.e. no relation of mother and son will bind them together, because its basic condition is that she suckled a baby before weaning period.

7. Women to whom marrying is forbidden

In verses 23 and 24 of Surah Al-Nisaa, Allah Almighty stated the types of women to whom marrying is unlawful (forbidden), they are as under:

Relative Kinship

Mother: (Own Mother or stepmother, similarly grandmothers either paternal or maternal)
Daughter**:** (Similarly granddaughters, either paternal or maternal)
Sister: (Own sister, mother’s daughter, father’s daughter)
Paternal Aunt: (father’s own sister or stepsister)
Maternal Aunt: (mother’s own sister or stepsister)
Niece: (brother’s daughter, whether own or step)
Niece: (sister’s daughter, whether own or step)

Foster Relations

Allah's Messenger (PBUH) said: The foster relations (breastfeeding) are treated like blood relations (in marital affairs). (Bukhari & Muslim). Thus, marrying with foster mother, foster daughter, foster sister, foster paternal aunt, foster maternal aunt, foster niece either from brother or sister, is forbidden and unlawful. But, in the light of the prophet’s (PBUH) interpretation and sayings, the prohibition of marriage will affect in the event, when only she suckled before the weaning period.

Matrimonial Relations

Wife's mother (Mother-in-law)
Daughter of the first husband's wife, but he must have had sexual intercourse with this wife.
Son's wife (Daughter-in-law), if the son divorces his wife, or dies, then also the father cannot marry to son's wife.)

To take two sisters together in marriage. (Similarly, it is prohibited to keep maternal aunt, her niece, paternal aunt and her niece together in marriage.)

General Relations

Wife of another person (due to a clear command of Allah the Almighty, a woman cannot simultaneously take more than one husband).

Clarification:

After the death or divorce of wife, a marriage contract can be made with wife's sister (sister-in-law), her maternal aunt or niece, her paternal aunt or niece.
After the death of brother or maternal uncle or uncle or after their divorce, a marriage contract can be made with the brother's wife (sister-in-law), maternal aunt and aunt.

The men from whom, women do not observe veil and hijab and can accompany them while travelling, they are as under, as it is stated in the following verse 31 of Surat-ul Noor and verse 55 Surat-ul Ahzab:

Relative Kinship

Father: (similarly grandfather or grandmother)
Son: (similarly grandson or son of daughter)

Brother: (own brother, mother's brother, father's brother)
Uncle: (father's brother, whether own or step)
Maternal brother: (mother's brother, whether own or step)
Nephew: (Brother's son, whether own or step)
Nephew: (Sister's son, whether own or step)

Foster Relations

Foster father, foster son, foster brother, foster paternal uncle, foster maternal uncle, foster nephew (son of brother) and foster nephew (son of sister).

Matrimonial Relations

Husband
Husband's father or his grandfather.
Son-in-law

Clarification:

Being no blood or foster or marital relation, a woman should observe hijab and veil from brother-in-law (sister's husband), elder or younger brother of husband, maternal uncle or paternal uncle in view point of Shari'ah and also she should not accompany them while travelling. Thus, a man cannot travel along with her sister-in-law (wife's sister) or brother's wife.
Women should observe hijab and veil from their cousins such as (uncles' sons whether paternal or maternal and should not accompany them while travelling, as, a woman can marry with cousins such as (uncles' sons whether paternal or maternal.

8. The Science of Inheritance and its issues

Literal Meaning

Plural of Meerath **(ميراث)** is Mawareeth **(مواريث)** which means **"تركه"** hereditament, namely the wealth and property left by a deceased upon his death. **Ilmul Meerath** is also called **Ilmul Faraedh** (The Science of Inheritance). 'Faraedh' is plural of 'Fareedhah' which is derived from 'Fardh' whose meaning is "specified" as, heirs' shares are specified and determined in the Islamic Shari'ah, that is why, it is also called **Ilmul Faraedh**.

Islamic Term

It's known by this science that after the death of a person who would be the heir and who will not inherit him and also how much will the heirs' share?

At several occasions in the holy Qur'an the provisions of inheritance have been stated, but in three verses (of An-Nisa 11, 12 & 176), most of the provisions are briefly gathered. So far as issues of inheritance are concerned, there are very little difference among the Islamic Jurists and scholars.

Importance of the Science of Inheritance

This science has a great importance in Islam. The prophet (PBUH) has repeatedly encouraged Muslims to learn and teach this science.

- The Messenger of Allah (PBUH) said: "Learn about the inheritance and teach it, for it is half of knowledge, but it will be forgotten. This is the first thing that will be taken away from my nation." (Ibne Majah - Chapter - Encouragement of inheritance teaching).

Why did the Messenger of Allah (PBUH) call 'the Science of Inheritance' as half of knowledge? There are various explanations for that, one of them is that there are two conditions of a man, first- the condition of life and the second - the condition of death. In the Science of Inheritance, the majority of issues are related to post-death, whereas in other sciences, the issues of life are discussed. Taking this meaning into consideration, the Science of Inheritance is the half of knowledge.

- The Messenger of Allah (PBUH) said, I'm mortal. The knowledge will be taken away (vanished) and there will be much Fitnah. Even in the case of inheritance, two persons would disagree and you will not find a person to settle the matter between them (Tirmidhi & Musnad Ahmad).
- Umar Farooq (RA) said: Learn the issues of inheritance, as it is the half of your religion (Al-Darmi 2851).
- Abdullah Bin Masoud (RA) said, whoever learns the holy Qur'an, he should also learn the science of inheritance (Baihaqi in "Alkubra" 6/209, Al-Hakim in "Almustadrak" 8072, Altabrani in "Alkabir" 8656 and Al-Darmi in "Sunan" 2914).

There are three parts of the science of Inheritance:

مُوَرَّثْ (Muwarrath) the deceased: the person whose belongings/wealth and property will be transferred to others.

وارث (Warith) Heir/inheritor: the person to whom, the belongings/wealth and property of the deceased will be transferred. Plural of Warith is Wuratha.
موروث (Mourooth) Inheritable items: the hereditament namely the belongings/wealth and property that were left behind by the deceased.

There are four rights in the belongings/wealth and the property of the deceased:

1) Firstly, the arrangements of burial and shroud should be made out of the wealth of the deceased.
2) Secondly, the debts of the deceased should be settled.
   - Due to the importance, Allah, the Exalted, has mentioned in the holy Qur’an about the will prior to the debt. But according to consensus of Ummah, the debt has priority over will, e.g. if there is a debt due on the deceased, then first of all, the debts will be paid from the wealth left by him, thereafter the burial would be carried out and eventually, the inheritable will be divided.
   - Besides the obligation of Zakat towards the deceased, he could not pay it off, or in spite of the enjoinment of Hajj, he could not perform it, even, if he could not pay the dower (Mahar) of his wife, then all these matters are just like a debt towards the deceased.
3) The third right is that up to one-third share, his legitimate wills will be implemented.

Law of Will

(مِن بَعْدِ وَصِــيَّةٍ يُوصِــي بهَا أَوْ دَيْن ، مِن بَعْدِ وَصِــيَّةٍ يُوصِــينَ بِهَا، مِّن بَعْدِ وَصِيَّةٍ تُوصُونَ بهَا ، مِن بَعْدِوَصِيَّةٍ يُوصَىٰ بهَا)

(After any bequest he (may have) made or debt, after any bequest they (may have) made or debt,

after any bequest you (may have) made or debt, after any bequest which was made or debt)

In Islam, the law of will is enacted, so that as per the law of inheritance, those relatives who are not legal inheritors and they are entitled for material assistance. For example, there is an orphan grandson or granddaughter, or son's widow in trouble or there are other brothers or sisters or other relatives who are severely needy, they will be accommodated in accordance with the will. Even though, it is permissible to make a will or not, but in some cases/times, to make a will, is better. So far heirs/inheritors are concerned, it is compulsory to implement the will in one-third share of the wealth. For instance, after incurring expenses of burial shroud and payment of debts of a deceased, 9 hundred thousands of wealth is left, and then it's compulsory for the inheritors to carry out his will in 3 hundred thousand only. It is up to the discretion of inheritors, to implement the will over one-third share of the wealth or not to implement.

Note: If someone makes a will to deprive an heir or all the heirs, then it is a big crime and offence, as the Messenger of Allah (PBUH) said, "Whoever tries to avoid giving the inheritance to his heirs, Allah will deprive him of his inheritance in the Paradise on the Day of Resurrection (For some period)." (Ibne Majah-Chapter - deprivation due to making will).

4) The fourth right is that remaining belongings/wealth and properties are to be divided among the inheritors in accordance with the Islamic Shari'ah.

An obligatory share (Surah An-Nisa: 7), an obligation (imposed) by Allah, (Surah An-Nisa 11), (this is) an ordinance from Allah, (An-Nisa 12) and these are limits (set by) Allah (An-Nisa 13). It is clearly known by the above

verses that distribution of inheritable items according to the shares explained in the Qur'an and Sunnah is an obligatory ordinance.

Kinds of Inheritors

Sahibul Fardh (Legal Inheritors):

The inheritors/heirs who have such fixed share as per Shari'ah that cannot be increased or decreased. Such ultimate shares that are explained in the holy Qur'an are six: 1/2, ¼, 1/8, 2/3, 1/3, 1/6. Those persons whose shares are fixed in the holy Qur'an and Sunnah, they are as under, Daughter, (and in the absence of daughter the granddaughter), mother and father, (in the absence of mother and father, grandfather or grandmother), husband, wife, brother and sister.

Blood Relatives

The heirs who are entitled to get a certain of the inheritance, after the legal heirs have received their shares, they become owner of the remaining properties, for example son. Allah's Messenger (PBUH) said, "Give Faraedh shares prescribed in the Qur'an to those who are entitled to receive it and whatever remains, should be given to the closest male relative of the deceased". (Bukhari & Muslim).

Relatives on the maternal side

The relatives other than those, who are mentioned at No. 1 (Legal Inheritor) and No. 2 (Blood Relatives), in case, they do not inherit, then, they will get the share in the inheritance, like uncle, nephew and cousin etc.

Who are entitled to the inheritance?

There are three reasons for the possible entitlement of the inheritance.

1- Blood Relationship: This is a relation between two men by birth, however, in the event of presence of close relatives, the distant kith and kin will not inherit. For example, the brother and sister of the deceased, they can part in the inheritance, only when none of children or parents of deceased were not alive. These blood relations consist of ancestors, descendants and collaterals. Ancestors such as (parents, grandfather, grandmother, etc.), descendants like (own children, grandson, granddaughter, etc.) and collaterals such as (brother, sister, nephew, son of sister, uncle, cousin, etc.)

Clarification: We knew from An-Nisa Verse 7 "مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ" (what the parents and close relatives leave) that the distribution of the inheritance does not rely on the criteria of needs, but it is done on the basis of relations. This is why, it's not necessary that amongst the relatives who is the neediest will be considered more entitled for the inheritance, on the contrary, who is the person closest to the deceased in relation, will be more entitled for the inheritance other than the distant relatives. The distribution of the inheritance is based on the principle of the closest then next to the closest, whether they would be men or women, adult or minor.

2- Marriage, both the husband and wife share each other the inheritance.

3- Getting rid of slavery, now there is no existence of slavery in the world, that is why, I will not discuss this subject in this article.

Islam has fully protected the rights of the gentle sex (womankind) and weak sex (children) and contrary to traditions and customs of *Jaahiliyyah* (Pre-Islamic) time, it included them in the sharing of the inheritance, Allah the Almighty has stated in the holy Qur'an (An-Nisa Verse 7).
The following male relatives can be inheritors:
Son, Grandson, Father, Grandfather, Brother, Nephew, Uncle, Cousin and Husband
The following female relatives can be inheritors:
Daughter, Granddaughter, Mother, Grandmother, Sister and Wife

Note: Among the ancestors and the descendants, the third generation (like great-grandfather or great-grandchild) or the relatives among whom the inheritance is not distributed usually, their provisions are not discussed here. For their details, the Islamic scholars may be consulted.

Shares of the husband and wife

There are four forms of the inheritance for the husband and the wife (An-Nisa 12)

- Upon the death of wife, if she did not have children then Husband will get 1/2
- Upon the death of wife, if she had children then Husband will get 1/4
- Upon the death of husband, if he did not have children then Wife will get 1/4
- Upon the death of husband, if he had children then Wife will get 1/8

Clarification: If there is more than one wife, then the same specified shares will be distributed among them according to consensus of Ummah.

Share of Father

- Upon the death of someone, if his father is alive and the deceased left son or grandson, then the father of the deceased will get 1/6.
- Upon the death of someone, if his father is alive, however the deceased did not leave any children or grandchildren, then the father of the deceased will be counted as a blood relative, i.e. after distribution of fixed shares, the deceased father will inherit the remaining wealth.
- Upon the death of someone, his father is alive and more than a daughter of the deceased or a granddaughter is alive, however, no son or grandson of the deceased is alive, in this case, the deceased father will get 1/6. Moreover, the deceased father will be a blood relative, namely after the distribution of the specific shares, the deceased father will own the remaining wealth.

Share of Mother

- Upon the death of someone, his mother is alive, however, no children or no brother or no sister of the deceased is alive, then the mother of the deceased will get 1/3.
- Upon the death of someone, his mother is alive and one or two children of the deceased or more than two brothers are alive, then the mother will get 1/6.

- Upon the death of someone, his mother is alive, however no children and also no brother and sister of the deceased are alive, but the deceased wife is alive, then first of all, the wife will get ¼, out of remaining wealth, the deceased mother will get 1/3. Likewise, Umar Farooq (RA) had issued his decision on this matter.

Shares of Children

- If someone dies and left one or more sons behind, but no daughter is alive, then after the distribution of shares of legal heirs (for example, father or mother or husband or wife of the deceased) complete remaining wealth will be distributed equally among sons.
- Upon the death of someone if his sons and daughters are alive, then after distribution of alive legal heirs' shares such as (father or mother or husband or wife of the deceased), the whole remaining wealth will be distributed among sons and daughters as per the principles prescribed by the holy Qur'an (for the male, what is equal to the share of two females).
- If someone dies and only his daughters are alive while no sons are alive, then in case of one daughter, she will get ½. In case of being two or more than two daughters, they will get 2/3.

Clarification: Allah, the Exalted, has stated in (Surah An-Nisa: 11) the important principles of the inheritance:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ ۖ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ ۚ

Allah instructs you concerning your children: for the male, what is equal to the share of two females.

Islamic law has imposed the whole economic responsibilities on men. It is therefore the complete expenses of children, put on man, instead of woman, even the expenses of woman did put on herself. The expenses of a woman imposed on father before marriage and after marriage on the husband; that is why the share of man is double in comparison to the share of a woman.
Allah the Exalted has expressed a great interest in giving daughters share that made the daughters share as principle and sons share are explained in their terms that the share of sons is equal to two daughters'.

Shares of Brother and Sister

- The brother and sister of the deceased get the inheritance only in a case when no parents and children of the deceased are alive. It usually happens rarely, so no mention of brother and sister is made here. For details, Islamic scholars may be consulted.

Special Guidance: While distributing the inheritance, it is the moral duty of all the relatives that if there is a poor relative of the deceased and he is not entitled to get the inheritance legally, yet he will be given some, as it was encouraged by Allah the Almighty in (Surah An-Nisa 8 & 9). In Verse 10, Allah, the Exalted, said: Indeed, those who devour the property of orphans unjustly are only consuming into their bellies fire. And they will be burned in a Blaze.

Warning: The inheritance is a wealth, which is left by a dying man, in which all the heirs are entitled of their shares. Immediately after the death, all the wealth of the

deceased should be transferred to the inheritors. So, if someone did not distribute the inheritance according to the principles set by the Qur'an and Sunnah, then he will be wrongdoer. May Allah, the Exalted, help us to avoid the shortcomings in the distribution of inheritance and help all the heirs to distribute the inheritance according to principles of the Qur'an and Sunnah.

Note: A man himself is the owner of his belongings and property within his life. During his usual healthy life, he can distribute his wealth among his children, as he wills, observing equality as much as possible. But after his death, the inheritance will be distributed only according to the principles set by the Qur'an and Sunnah, because, immediately after the death, owners of the inheritance according to shares of Islamic Law are changed.

Note: The important issues of the inheritance are substantially mentioned here. For more details, Islamic scholars may be consulted.

9. Nikah– a blessing, Talaq– a necessary evil and 'Iddah– a Divine enjoinment

Nikah – a blessing

Nikah or marriage is a great blessing of Allah which, as required, should be maintained with care. Allah, the Exalted, reminds us of the virtues of this blessing: **"And of His signs is that He created for you, from yourselves, mates that you may find tranquillity in them; and He placed between you affection and mercy. Indeed in that are signs for the people who think."** (30:21) Allah, the Exalted, made marriage a virtuous permissible act for many reasons. He wanted man to endure as His vicegerent on the earth enforcing the laws ordained by Him and reforming whatever corruption takes place in it, and for the very reason, the Divine Wisdom ordained Nikah, a firm union of man and woman, as a polite process of human procreation along the other benefits that it has. A mere union of man and woman could assure a natural human procreation but it would not have procreated children who could reform the world and enforce the Divine Law in it; Nikah was the way to insure procreation of such a pious generation.

Islam has laid much emphasis on maintaining the sacred bond of marriage with utmost care so that no one dares to break the tie, for it not only affects the couple but also renders life of the children miserable and causes tension between the families. Islam has, therefore, set up clear directives for both husband and wife to sustain and strengthen the bond.

If any misunderstanding arises between a husband and wife, they first should try to sort it out on their own. If it is the wife's fault, the husband should, according to Islam, makes her realize the fault in a kind or harsh manner as required. On the other hand, a husband is asked not to take his wife as a maid servant; she does indeed have rights over her husband that must be fulfilled. Besides providing proper accommodation and maintenance, she also deserves attention and care in respect of other physical and mental needs. As a Hadith says that the best among people are those who are the best to their families, apparently a person cannot be a good person in the views of his family if he does not fulfil the rights.

Talaq– a necessary evil

If a couple fails to sort out a disagreement that has occurred between them on their own, they should reach out to the elders from both the families to reconcile between them. In short, utmost care should be taken in respect of mending and maintaining the tie. However, sometimes the situation worsens day by day and all attempts by the couple and their families turn to be unsuccessful and it seems more appropriate to break the tie than keeping it. At this point, Islam allows the husband to break the marriage in a manner stipulated by the Shari'ah, and this process of breaking the tie is called Talaq (divorce). The best way to apply Talaq is to pronounce only one Talaq observing two conditions: (1) when the wife is in ritually pure condition (i.e. not in her menstrual cycle) and (2) the husband has not had sex with her in that ritually pure period. In this case, it will be a revocable divorce and the husband, if he wants, may resume his marital relation with his wife without having to re-conduct the Nikah. The couple may even remarry if the

expiration of the waiting period called Iddah is over. Though the wife divorced in this manner may marry someone else yet it, at the same time, allows the couple to re-conduct the marriage and resume the relationship.

Talaq – the unilateral right of the man to divorce his wife

Man as compared to woman usually has a better ability when it comes to take a serious decision. A comparative study of men and women in terms of their respective physical, emotional and intellectual strength and weakness is enough to make one realize that men do indeed have more strength and ability to carry our great especially the hard tasks which are usually very difficult for women to do and therefore men are supposed to rule and take care of them and the other affairs. Better than trying to act like a 'rationalist', we should try to reflect over what the Creator of men and women says in this regard. It is narrated in the Holy Qur'an: **"But the men have a degree over them [in responsibility and authority]." (2:228)** and **"Men are in charge of women." (4:34)** The Qur'an is clear in that men should lead women in the journey of life and take decisions when required though they should at the same time consult and ask their women as to what they see in the matter concerned. That is the reason only men are given the right to give divorce.

Khul' (or Khula)

On the other hand, it is not that women have been deprived of the right to separation in the absolute sense. If a wife wants separation, either because her husband is not fulfilling her rights or for some other reason, she is entitled by the Shari'ah to demand divorce from her husband. If it

is proved that the woman is really oppressed, the man is required to fulfil her rights that she is entitled to as per the Shari’ah or answer to her demand for divorce without or with an exchange of an agreed upon amount of money. But if the husband refuses to give divorce, the wife may consult a Shari’ah court or council so that the Qadi (Islamic judge) may force the husband to divorce his wife. Thus the wife will be considered a divorcee and may marry some other man after completion of her Iddah- the post-divorce waiting period. Khul’ entails Talaq Ba’in, an irrevocable divorce which implies that if the man and woman (who are no longer husband and wife) want to live together again, the husband cannot take her back as his wife without re-conducting Nikah with consent of both the parties.

Types of Talaq

Talaq basically is divided into three types: Talaq Raj’i (revocable), Talaq Ba’in (minor irrevocable) and Talaq Mughallaz (major irrevocable).

Talaq Raj’i

Using clear unambiguous terms in divorce such as *‘I divorce you’,* is called Talaq Raj’i which does not terminate the bond with immediate effect but lets it last until the period of Iddah– the post-divorce waiting period– is over, hence the man may reunite, if he wants, with his wife anytime within Iddah without having to re-conduct the Nikah as marriage is still intact. In doing so, consent of the wife is not required as per the Shari’ah.

Talaq Ba’in

Using words that do not explicitly imply divorce such as *‘Go to your mom’s* or *‘I have left you’*, entail irrevocable divorce provided such words are uttered with the intention of divorce. This will terminate the marriage with immediate effect and the only way left for the couple to reunite is by re-conducting the Nikah.

Talaq Mughallz

Giving three Talaqs altogether or separately whether in one sitting or more is called Talaq Mughallz, resulting in termination of the bond with immediate effect as well as prohibition of re-conducting the Nikah for the couple unless the conditions of Shar’i Halalah are fulfilled which then will permit them to marry again. To explain it further, if the divorcee wife marries some other man on her own and has sex with her new husband and then the man dies or divorces her of his own free will, it will permit her ex-husband to marry her again after termination of her Iddah, the waiting period she has to observe after divorce by her second husband or his death. Allah, the Exalted, says in the Qur’an: **“And if he has divorced her [for the third time], then she is not lawful to him afterward until [after] she marries a husband other than him. And if the latter husband divorces her [or dies], there is no blame upon the woman and her former husband for returning to each other if they think that they can keep [within] the limits of Allah .” (2:230)** This is what Halalah means as stipulated in the Qur’an. The following conditions must be met for Halalah to be valid: (1) The second Nikah must be conducted in accordance with the Shari’ah (2) The second husband must have had sex with her (3) The second husband must have divorced her of his

own free will or passes away and (4) She must have completed her 'Iddah. Conditional Nikah under the pretext of Halalah is forbidden.

Three Talaqs in one go

There is no significant difference of opinions among the scholars on rulings related to Talaq Raj'i and Talaq Ba'in. There is, however, no difference either between the jurists if a person gives Talaq, which itself is the least liked action among all the permissible acts, in an unapproved way such as divorcing thrice when the woman is in her menstrual period, or divorcing three times separately in the same period of ritual purity (Tahur– when a woman is not in her menstrual period) or divorcing three times separately in three different periods of ritual purity in which he has had sex with her or pronounces three divorces in one go, the Ummah unanimously agrees that in all the above cases three Talaqs will occur except in one which has been disputed over i.e. triple divorce or three Talaqs issued in one sitting. If a person gives three Talaqs in one sitting, according to the majority of the scholars all the three will take effect. The same has been reported to be the opinion of ʿUmar, 'Uthman, ʿAli, ʿAbdullah ibn Abbas, ʿAbdullah ibn ʿUmar, ʿAbdullah ibn Amr, and ʿAbdullah ibn Masoud (may Allah be pleased with them) from among the jurist Companions. Besides, all the four leading scholars namely Imam Abu Hanifah, Imam Malik, Imam al-Shafi'e and Imam Ahmad ibn Hanbal unanimously held that three divorces in one sitting will take effect. The Islamic scholars in India, Pakistan, Bangladesh and Afghanistan also advocate the same. Having discussed the issue in 1393 AH in Saudi Arabia, a prominent group of scholars also concluded that in the light of the Qur'an and Sunnah and as reported from the Companions, the Successors and the

later scholars three divorces issued in one sitting altogether will take effect. However, an insignificant group of scholars from among the Ghair Muqallidin (or Ahl-e-Hadith as they call themselves) opine that in the case in discussion only one will take place, relying on arguments that have been rejected by the majority of the scholars of Hadith and Fiqh.

As discussed, the Ummah throughout the centuries has been maintaining that triple Talaq in one go will be counted as three according to the Qur’an and Sunnah. Hence, if a person gives three Talaqs in one sitting, he will no longer have the choice to reunite with her wife, not even by re-conducting Nikah with mutual consent. He may, however, marry her again if conditions of Halalah are fulfilled, as mentioned above, in accordance with the Shari’ah i.e. when she marries another man who then have sex with her and then divorces her of his own free will or dies, only then it will be permissible for the former to marry her ex-wife once she completes her ‘Iddah. Many such cases occurred during the caliphate of ʿUmar al-Faruq (may Allah be pleased with him) and each time they were decreed as three and not a single Companion is reported to object the decree. Later on, the majority of the scholars including the four Imams and their able disciples adopted the same. We deliberately avoided substantiating the issue with relevant evidences as we intended not to make it a lengthy discussion. Those interested may check my article on the same (The Issue of Triple Talaq) in which I have included the verdict issued by the Saudi scholars that contains all the related evidences.

‘Iddah– a Divine enjoinment

‘Iddah (literally ‘counting’) refers to the period of time that follows a woman’s divorce or death of her husband in

which she is obliged to observe certain specific rulings enjoined by the Shari'ah. The length of this waiting period may vary somewhat based on the reason of separation and biological condition of the divorcee or widow. In line with the Qur'anic and Prophetic injunctions, the whole Ummah is unanimous on that a woman must observe her 'Idda has a religious obligation (wajib/fard) following the death of her husband or separation by way of Talaq or Khul'. Thus observing 'Iddah becomes obligatory for two reasons:

'Iddah after the death of husband

If the wife happens to be pregnant at the time his husband dies, she will observe 'Iddah till the child is born irrespective of the length of the period i.e. no matter the remaining time of pregnancy exceeds four months and ten days or falls short of them. Allah, the Exalted, says: **"And for those who are pregnant, their term is until they give birth." (65:4)** The verse unconditionally enjoins that a pregnant woman should observe 'Iddah till she gives birth whether she is a widow or a divorcee as it has also been clearly mentioned in the Ahadith. If a widow is not pregnant then she will have to observe 'Iddah for four months and ten days whether she menstruates or not and whether she has had a chance of completely undisturbed privacy (khalwat sahihah) or not. Allah, the Exalted, says in the Qur'an: **"And those who are taken in death among you and leave wives behind - they, [the wives, shall] wait four months and ten [days]." (2:234)**

'Iddah for separation by way of Talaq or Khul'

If a woman happens to be pregnant at the time of Talaq or Khul', she will observe 'Iddah till the child is born whether

it exceeds three months or falls short of them as Allah, the Exalted, said: **"And for those who are pregnant, their term is until they give birth." (65:4)** If she realizes to be pregnant a few days later after divorce or her husband's death, she will observe 'Iddah for all the remaining months even if it lasts 9 months. As for a woman who was not pregnant when separation either by Talaq or Khul' took place, then if she is a menstruating lady, she will observe 'Iddah for consecutive three menstrual cycles in line with the Qur'anic injunction: **"Divorced women shall wait concerning themselves for three monthly periods." (2:228)** Once the third period is over, she will come out of her 'Iddah. Apparently since the length of menstrual cycle varies from woman to woman, 'Iddah of menstruating women may last more or less than three months.

A divorcee who is not menstruating or has entered menopause, will be obliged to observe three months as the waiting period as Allah, the Exalted, says: **"And those who no longer expect menstruation among your women - if you doubt, then their period is three months, and [also for] those who have not menstruated." (65:4)**

There is no 'Iddah for a woman who has been divorced after Nikah before presumptive consummation of marriage (khalwat sahihah) as the Qur'an says: **"O You who have believed, when you marry believing women and then divorce them before you have touched them, then there is not for you any waiting period to count concerning them." (33:49)** There is no 'Iddah for a divorcee if it takes place before Khalwat sahihah but a window must observe even if her husband dies before presumptive consummation of marriage. In view of the general meaning of verse 234 of Surat al-Baqarah and the Prophetic injunctions reported in this connection, the

whole Ummah is unanimous on that if a woman is divorced after marriage yet before Khalwat sahihah she will be entitled to half the amount of Mahr.

Rationality behind the enjoinment of 'Iddah

The mandate of 'Iddah has a lot of benefits with respect to our worldly life as well as the life to come of which we want to mention a few: (1) Observing 'Iddah helps one to attain pleasure of Allah by way of acting upon his command for obedience to Allah is worship and worship brings one closer to Him (2) To make sure about pregnancy of the woman concerned so as to eliminate any potential doubt concerning the father of the child [if the woman were to remarry and get pregnant right away] (3) To exemplify the gravity of being deprived of a great blessing of Allah. (4) To make people realize the importance and sanctity of Nikah so as to prevent them from taking marriage to be a light affair. (5) To let the woman live some time with the memory of her husband whom she has lost and slowly get over her grief.

Some related rulings

- The 'Iddat period begins immediately after divorce of a woman or death of her husband even if she comes to know about it later.
- A divorcee or a widow must not leave her house until the period is over.
- If she finds it difficult to observe her 'Iddah at her marital home, she may spend the period at her paternal home or even somewhere else. (Al-Qur'an, 65:1)
- It is not allowed for a divorcee or widow to get married before termination of the 'Iddah period.

However, one may make an allusive proposal to her. (Al-Qur'an, (2:234-235)

- A woman in 'Iddah following her husband's death should avoid using perfume, adornments, kohl, oil that has fragrance, henna and attractive clothes.
- If her husband passes away on the first day of a lunar month, she will calculate three months from that date, irrespective of whether the months are of 29 days or 30 days and thus her waiting period will be over on 11th (of the fifth Islamic lunar month following her husband's death). But if the husband dies during the month, her 'Iddah will be for 130 days. Some scholars, on the other hand, say that she will calculate fourth months from the day her husband died and then will add ten more days to complete the 'Iddah. For example, if her husband passed away on 11th Muharram then she will come out of her 'Iddah on 26th Jumada al-Ula.
- Whether after divorce or death of her husband, if a woman neglects the mandate of 'Iddah by not observing it at all or abandoning it midway through, it will be a grave sin on her part for violating the commandment of Allah. Such a woman must turn to Allah in repentance, seek forgiveness and complete her 'Iddah.

It comes under the husband's responsibility to provide his wife with maintenance as long as she is in 'Iddah.

10. Triple Talaq under Islamic Shari'ah

Recently, I had a chance to follow the thread of a group discussion on a social site concerning a *fatwa* relating to triple *talaq*. I found that some persons who even do not know the meaning of *talaq* considered it as their prerogative right to comment on the opinions of religious authorities. I would urge them not to indulge in commenting on such issues without an adequate knowledge of the Qur'an and Hadeeth. However, if you have any confusion regarding any religious issue you should better consult with some learned theologian who will eliminate your doubts in the light of the Qur'an and Sunnah. Sometimes even theologians differ among themselves on minor issues but each of them bases his interpretation and judgement on the Qur'an and Hadeeth, though you may or may not agree with them. So before dwelling on the issue of *talaq* one should have full understanding of the nature of *nikah* (marriage contract) under the *Shari'ah*. In a nutshell, *nikah* is both a civil contract under the law between the spouses as well as a sacrament according to *Sunnah* of the prophet (PBUH) and Islamic ethics.

Under the *Shari'ah* the bond of marriage is treated as a sacred, permanent and enduring bond between the spouses until death separates them. Its objective is maintenance of the family which is the very basis of human society and the essential condition of the perfection of humanity. At the same time, it is meant to seek the pleasure of Allah and emulate the *Sunnah* of his messenger (PBUH). *Talaq* which means a rupture of this

bond and a breakdown of the family brings in its wake disastrous consequences for the spouses and creates dissensions among the respective kinsmen. It is for this reason that the Messenger of Allah (PBUH) pronounced that of all the permissible things the most reprehensible (*abghadh)* before Allah is *talaq* (Abu Daud). Islamic scholars have, therefore, cautioned against pronouncing *talaq* even as a joke. With a view to maintaining a viable family system the *Shari'ah* has made ample provisions for managing intra-family conflicts. In case of dissension the near ones have to persuade them to reconcile and make peace. If it does not work arbitrators are taken from both sides to resolve their conflict. If all efforts for reconciliation fail, dissolution of marriage becomes an inevitable relief for both husband and wife. For this, *Shari'ah* has made two provisions: *Talaq* and *Khula'*. However, pronouncing *talaq* is a prerogative, i.e. an exclusive right of the male because as compared with the female he has more understanding and more capacity of forbearance and tolerance. As declared in the Qur'an: "Men folk possess a degree (of superiority) over them (women)" (Al-Baqarah: 238). And similarly: "Men are the guardians of women"(An-Nisa: 34). However, in case of incompatibility or irreconcilability in marriage the women too have been granted a right to seek separation from the husband in lieu of some material consideration. This is known as the right of *Khula'*. Although the husband has the prerogative of pronouncing *talaq* he does not have absolute freedom to pronounce *talaq* in whatever manner and at whatever time he likes. First of all, there is an emphatic prohibition against pronouncing *talaq* peremptorily, arbitrarily or in rage. It is also forbidden to pronounce *talaq* during her menstruation or during a period of purity when he has performed sexual intercourse with her because in this case the woman's

waiting period (*'iddat*) may prolong unnecessarily. A fair and just method is that one should pronounce *talaq* during a period of purity when he has had no sexual intercourse with her and then remain separated from her. Now either of two steps maybe taken by the husband following this action: (1) the husband can return to his divorced wife before the expiry of the period of *'iddat* by having sexual intercourse with her. In this case his former *nikah* with her remains intact or (2) he does not return to her until *'iddat* is complete. In this case marriage stands dissolved and there is no need to pronounce a *talaq* for a second and third time. Even if he intends to pronounce *talaq* for a second and third time he should do so within two separate periods of purity. In addition, the right to return and retain the woman has been limited to two times so that the womenfolk are not subjected to harassment and oppression unfairly by pronouncing *talaq* again and again and then retaining them with a view to keep them as captives within the wedlock. This was the case before the relevant verses of Surah Al-Baqarah were revealed. Now the ordinance is that a woman can be divorced only twice. Then either she is to be retained according to custom or released in fairness. The third *talaq* becomes final and irrevocable. Even if the husband and wife wish to unite afterwards it is forbidden and unlawful. The Qur'an declares: "If he divorced her (finally) she will not be licit for him unless she marries some other man" (Al-Baqarah: 230). Thus this is the only way, that after the expiry of her *'iddat* the divorced woman marry some other man and if perchance the second husband divorces her after consummation of marriage or dies then the woman can lawfully remarry her former husband. This is known in juristic parlance as *Halalah*. This Qur'anic injunction is meant to chastise the divorcer.

Now I come back to aberrant cases when a stupid or ignorant husband exercises his right (of giving *talaq*) in a manner which is contrary to the prescribed procedure. For instance, if he pronounces the triple *talaq* in a single period of impurity, or pronounces it within a single period of purity at three different times, or pronounces it during three separate periods of purity during which he engaged in sexual intercourse with her, or pronounces triple *talaq* at one go at any time. Obviously, all such cases are aberrations and violation of the established procedure. But what is their consequence?

Scholars are agreed that barring *talaq* pronounced according to the prescribed procedure all instances of triple *talaq* pronounced irregularly will be treated as three *talaq* final and irrevocable. The same ruling applies when a person pronounces triple *talaq* in one sitting. According to the majority of theologians it will be regarded as three *talaq* and final and irrevocable. The stalwarts of Islam like Umar Faruq, 'Uthman, Ali, Abdullah Bin Abbas, Abdullah Bin Umar, Abdullah Bin 'Amr, Abdullah Bin Masud (RA) and others were of the decided opinion that triple *talaq* pronounced at one go shall become final as three *talaq*. The leaders of the four principal juristic schools namely, Imam Abu Hanifah, Imam Malik, Imam Shafi'e and Imam Ahmad bin Hanbal (RHA) held unanimously that triple *talaq* pronounced in one sitting shall be regarded as three *talaq*. The matter was discussed in a conclave of *Hai'atu Kibaril Ulama* (The Council of Senior Theologians) of Saudi Arabia and after due deliberations declared that in the light of the Qur'an and Hadeeth *talaq* pronounced at one go shall have the effect of three *talaq*. These deliberations and their results were published in the *Majallaal-Buhuthal-Islamiyyah* of 1393 AH. Covering 150 pages this is regarded as an important scholarly document

on this subject. Eminent scholars of Saudi Arabia who took part in these deliberations included: Sheikh Abdul Aziz bin Baz, Sheikh Abdullah bin Hamid, Sheikh Muhammad Al-Ameen Ash-Shanqeeti, Sheikh Suleiman bin Ubaid, Sheikh Abdullah Khayyat, Sheikh Muhammad Al-Harkan, Sheikh Ibrahim bin Muhammad Al Ash-Sheikh, Sheikh Abdur-Razzaq, Sheikh Saleh bin Ghassun, Sheikh Muhammad bin Jubair, Sheikh Abdul Majid Hassan, Sheikh Rashid bin Hunain, Sheikh Saleh bin Laheedan, Sheikh Mehdhar Aqeel, Sheikh Abdullah bin Ghadyan, and Sheikh Abdullah bin Al-Manee'.

A summary of the resolution of the *Hai'atu Kibaril Ulama* can be seen on the following link:

http://islamtoday.net/bluetooth/artshow-32-6230.htm

In the light of the Qur'an and Hadeeth and keeping in view the rulings of the companions of the prophet (RA), their successors, and the successors of the successors, have resolved that triple *talaq* pronounced at one go shall have the effect of three talaq. Saudi scholars have declared those two Ahadith of the prophet (PBUH) as weak and unreliable which have been cited by a group of dissenting theologians who hold triple talaq pronounced in a single sitting as a single talaq. In addition a large majority of the theologians in India, Pakistan, Bangladesh and Afghanistan hold the same opinion.

It follows that under the authority of the Qur'an and Hadeeth, the Islamic community has been unanimous during the past 1400 years over the issue that triple *talaq* pronounced in one sitting is tantamount to three *talaq* and forecloses the opportunity of *raj'at* or return to the divorced wife. The separated spouses become alien to each other for all practical purposes. They cannot reunite by a fresh *nikah* if they desire so except by the procedure of *Halalah* as laid down in the Qur'an: "If he has (finally) divorced her

then she will not be *halaal* for him afterwards unless she marries another person" (Al-Baqarah: 230).

Note: It is proven by history that during the reign of Umar Faruq (RA) triple *talaq* in one sitting was invariably treated as three *talaq*, final and irrevocable. None of the companions of the prophet (RA) diverged from this stand. There was a consensus of the community on this issue. The principal schools of *Fiqh* are agreed on it.
I would, therefore, request the misguided persons not to post confusing and confounding comments on the social sites without adequate knowledge. They should desist from targeting *Ulama* because the Qur’an declares that "Verily of all my bondsmen *Ulama* are ones who fear me" (Al-Fatir: 28). I would, therefore, suggest that instead of initiating controversies on the internet they should better contact a learned *'alim*.

11. Report of the Saudi Council of Senior Theologians - A Synoptic View

By way of an introduction, I would like to mention that persons belonging to the school of *ghair muqallideen* (non-conformists who do not adhere to any of the prevalent juristic schools) have made it their habit to insist on their orthodoxy and raise unnecessary controversies about minor or contentious matters. One of such matters is that of triple *talaq* pronounced at one go. Going against the consensus of the great majority of the Islamic community they assert that triple *talaq* pronounced in one sitting should be treated as one *talaq*. Flaunting their argument as the starting point of their assault against the Muslim personal law in India the anti-Muslim elements have come forward to reform the Muslim society through a purported "amendment" of the Muslim personal law. They contend that if in matter of *talaq* a departure can be made from confirmed rulings of past centuries then why departures could not be made in respect of other issues? The limit was crossed when the media turned a purely legal issue into an object of anti-Muslim political propaganda. This is a great *fitnah* for the Muslim community.

Since the report of the deliberations of the Saudi Council of Grand Ulama published in *Majallaal-Buhuthal-Islamiyyah* volume 1, number 3 (later translated into Urdu and published by the *Al-Majma'Al-Ilmi* of DarulUloom, Mau, India) constitutes a categorical rebuttal of the stand of those who regard the Saudies as their sectarian brothers as well as that of anti-Islamic elements who cite the example of modernistic Middle-eastern countries while

pleading the case of reform of Indian Muslim society, we reproduce here its summary to counteract this *fitnah*.

The Non-Conformist Position

The non-conformists hold that utterance of the word *talaq* thrice constitutes but one *talaq*. They make the following arguments in favour of their position:

1. The Qur'an declares: "*Talaq* is in two instances then either retain them according to custom or release them in fairness" (Al-Baqarah: 230). They contend that according to this verse the legitimate form of *talaq* is that it should be pronounced in two separate instances [*marratain*]. Here the term "instances" has been used, not "utterances". Then in the following verse it is ordained that if a husband divorced his wife she cannot become *halaal* for him unless she marries another husband". The provision for*raj'at* is for two "instances" not for two "utterances." It follows that *talaq* pronounced in three separateinstances only is to be regarded as regular and proper. Therefore, utterance of *talaq* thrice in one instance constitutes but a single *talaq*.
2. Imam Muslim, in his collection (*Saheeh*), has cited Taoos bin Abbas (RA) as narrating that, during the period of the Messenger of Allah (PBUH), Abu Bakr (RA) and first two years of the reign of Umar (RA) pronouncement of triple *talaq* was regarded as one *talaq*. Then Umar (RA) said that the people are taking precipitate action in a matter where they had a respite. Would it not be better to enforce it (triple *talaq*). So he enforced it". Muslim has recorded another narration citing Ibne Abbas (RA): "Abus-Sahbaa asked Ibn Abbas (RA) don't you know that during the reign of Abu Bakr (RA) and early days of the reign of Umar (RA) three *talaq* was regarded as one *talaq*. He replied yes.

But when a large number of people began divorcing their women was the only point that Umar (RA) got compelled to enforce them as three divorces.

The above narration clearly establishes that utterance of *talaq* thrice at one go was regarded as one *talaq* and that this practice was not cancelled during the time of the prophet (PBUH) but continued during the reign of Abu Bakr(RA) and in the early days of the reign of Umar (RA). Then why treat the narration of Ibne Abbas (RA) as weak and unreliable.

3. Imam Ahmad in his Musnad narrated a tradition through 'Akramah bin Abbas (RA) who told that "Rukanah Bin Abd Yazid (RA) from Bani Al-Muttalib divorced his wife in a single sitting then he fell in deep grief for her. The Messenger of Allah (PBUH) asked him: How did you divorce her? He replied I divorced her thrice. Then the prophet (PBUH) asked him again: Did you divorce her in a single sitting? He replied, yes. Then the prophet (PBUH) said: "Verily it is a single divorce. You may return to her if you so wish". Ibne Abbas (RA) narrated that he then returned to her.

Ibnul Qayyim has in his *I'lamal-mauqa'ain* mentioned that Imam Ahmad was convinced of the authority behind the authenticity of this Hadeeth. But Hafiz Ibne Hajr has lin his *Talkhees*, page 319) has referred to aHadeeth of *Musnad* Ahmad as *ma'lul* [defective]. Hafizzahabi has also considered it as one of the weak Ahadith of Abu DaudIbn Al Hasseen. In view of these comments mere accuracy of sanad does not establish the authenticity of the narrative (*A'lamMarfu'a:* 25).

4. Imam Taimiyyah and Ibnul Qayyim and others have contended that during the reign of Abu Bakr (RA) and first two years of the reign of Umar (RA) triple talaq at one go was considered to be one *talaq*. All opinions

expressed by the companions of the prophet (RA) contrary to this practice are from the post-Umar (RA) period. Umar (RA) by enforcing three *talaq* rule intended to curb the malpractice of the day and did not mean to make it an immutable rule for all time to come.

5. The fifth argument of the opponents is that triple *talaq* should be taken as analogous to multiple testimony of *li'aan.* If somebody says I testify four times that I have seen my wife committing adultery it will be counted as one testimony. Sheikh Shanqeeti (RHA) has rejected this analogy as dubious because a husband's reliance on one testimony in *li'aan* is liable to be rejected while a single *talaq* becomes effective.

The Opinion of the Majority

The opinion of the majority of the companions of the prophet (RA), their successors and the leading jurisprudents is that triple *talaq* pronounced at one go effectuates three *talaq* at once. Their reasoning based on consensus and analogy is as follows:

1. The Qur'an says: "O prophet, when you people divorce women, divorce them at a time when the period of 'Iddat (waiting period) may start. And count the period of 'Iddat, and fear Allah, your Lord. Do not expel them from their houses, nor should they go out, unless they come up with a clearly shameless act. These are the limits prescribed by Allah. And whoever exceeds the limits prescribed by Allah wrongs his own self. You do not know (what will happen in future), it may be that Allah brings about a new situation thereafter, [for reconciliation] (At-Talaq: 1). This verse clearly specifies that Allah has permitted that *talaq* which is followed by *'iddat* (waiting period). A man has an option of returning to her before the expiry of 'iddat or

releasing her from marriage bond in fairness. Although this option cannot be exercised if triple *talaq* is pronounced at one go this verse implies that this will become effective. Had it not been so the divorcing man would not have been held guilty of committing atrocity on himself nor the door of coming back would have been closed on his face. The Qur'anic verse that "If a man fears Allah, He will make a way out (*makhraj*) for him. Ibne Abbas (RA) has interpreted *makhraj* in the sense of *raj'at*. Replying to a questioner who had divorced his wife thrice he said: "If a man fears Allah, He will make a way out for him". Because you did not fear Allah, there is no way out for you. You defied Allah, therefore, your wife is separated from you. Now there is no doubt about it that anybody who has pronounced triple *talaq* to his wife has committed atrocity on his own self. Now, if somebody argues that triple *talaq* must be construed as one *talaq* certainly he has not bothered to fear Allah and keep within limits so that Allah would make a way out for him.

2. In the collections of Bukhari and Muslim, Ayesha (RA) has been cited as narrating that "Once a man divorced his wife. Then she married another man who divorced her before contacting her sexually. The Messenger of Allah (PBUH) was asked whether she is *halaal* for the first husband. The prophet replied (PBUH): No, unless her nectar is tasted by the second husband like the first husband."
3. Now if the narration of Ayesha (RA) is compared with that of Ibne Abbas (RA) two situations emerge: (1) either both mean by *talaq* triple *talaq* at one go, or (2) they mean three *talaq* pronounced in three separate instances. If the meaning is triple *talaq* at one go then the *Hadeeth* of Ayesha (RA) is most reliable because

of its unanimous narration. It clearly specifies that the divorced woman became *haraam* for the first husband in the consequence of triple *talaq* and cannot remarry her first husband unless she marries a second husband, has sexual engagement with him then is divorced by him. If on the contrary the narration of Ibne Abbas (RA) assumed three *talaq* pronounced in three different instances then to argue that triple *talaq* at one go means one *talaq* is absurd. Similarly to argue that the Hadeeth of Ayesha (RA) implies three different instances while the Hadeeth of Ibne Abbas (RA) refers to combined triple *talaq* is unjustified. In addition to the narration of Ayesha (RA) there are numerous other authentic *Ahadith* which prove that triple *talaq* in one utterance becomes effective like three *talaq* pronounced in three separate instances.

Some jurists like Ibne Qudama Hanbali (RHA) have equated the right of divorce to the property right. Just as a property can be disposed of as a whole or in parts similarly a woman can be divorced by triple *talaq* combined in one utterance or in three separate instances.

Barring some persons all scholars agree that *talaq* pronounced as a joke also becomes effective by virtue of a *Hadeeth* narrated by Abu Hurairah (RA), "There are three matters whose seriousness is seriousness and whose joke is seriousness: Divorce, marriage and *raj'at*."

Ibne Qayyim and Qurtubi RHA) have held that the majority of the companions of the Messenger of Allah (RA), their successors and the leaders of the four juristic schools agree on the principle that triple *talaq* of one utterance has the effect of three actual *talaq* and becomes final and irrevocable.

In the end the Council of Senior Theologians resolved that: "After examining the problem and exchanging opinions

and reviewing the objections raised by some members the Council resolved to adopt the position that triple *talaq* of a single utterance becomes effective like three separate *talaq* (*MajallaAl-BuhuthAl-Islami*, vol. 1, no. 3, page 165).

12. Issues of Iddat (Waiting Period)

Meaning of Iddat

Literally, the meaning of "Iddat" is to count, whereas "Iddat" in the Islamic Shari'ah, is a fixed period within which the wife, due to the death of her husband, or divorce/repudiation (redemption) that results in the separation of both the spouses, is bound to observe some legitimate provisions. Owing to difference in natural conditions of a woman, waiting period is varied, whose detailed discussion is mentioned below.

Legal Status of Iddat (Waiting period)

In the light of the Qur'an and Sunnah, the Muslim Ummah is agreed that because of death of husband, or divorce or repudiation (redemption) and consequently being husband and wife separated, Iddat (waiting period) is obligatory (enjoinment) on the wife.

The waiting period is obligatory for two reasons:

Death of husband:

In case, the wife is not pregnant and her husband dies, then her Iddat (waiting period) will be **4 months and 10 days**, whether she is menstruating or not, whether she has genuine sexual intercourse or not, as Allah the Almighty says in the holy Qur'an:

وَالَّذِيْنَ يُتَوَفَّوْنَ مِنْكُمْ وَ يَذَرُوْنَ أَزْواجاً يَّتَرَبَّصْنَ بِاَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَّ عَشْراً

And those who are taken in death among you and leave wives behind - they, (the wives, shall) wait four months and ten (days). (Baqarah 234).

If the wife is pregnant at the time of her husband's death, then the waiting period will end upon the delivery of the baby, whether its period would be less than four months and ten days or more than that. As Allah the Exalted said in the holy Qur'an:
وَأُوْلاَتُ الأَحْمَالِ أَجَلُهُنَّ أَنْ يَّضَعْنَ حَمْلَهُنَّ (al-Talaq: 4), and for those who are pregnant, their term is until they give birth. It is evident from this verse that the waiting period of every pregnant woman is the same, whether she is divorced or widow, as there is obvious clarification in (Divorce Chapter) of Ahadith books.

Divorce or (Repudiation) Redemption:

In some unavoidable circumstances, sometimes ending of marriage contract is not only better for the spouses, but also it will be the biggest relief for both the families. That is why, Islamic Shari'ah has enacted the law of divorce and annulment (repudiation) of marriage pact, in which only men have been given the power of divorce, usually because, the power of thought, endurance and patience of the man is far better than the woman. As it is mentioned in the holy Qur'an: **(وَ للرِّجاَلِ عَلِيهِنَّ دَرَجَة)** and the men are a degree above them (in responsibility and authority). (Baqarah 228) **(الرَّجَالُ قَوّامُوْنَ عَلَى النِّساَءِ)** Men are in charge of women by (right of) what Allah has given one over the other (Nisaa 34). But the woman has not been deprived of the right altogether, but she has also been authorized, she can raise her case in a court according to the law and she can get repudiation (redemption).

If, at the time of divorce or repudiation, the wife is not pregnant, then her Iddat (waiting period) will be (3 periods of menses). As, Allah the Almighty has said in the holy Qur'an: وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلاَثَةَ قُرُوءٍ Divorced women would remain in waiting for three periods (Baqarah 228).

Note: Iddat will end after completion of the third period. In accordance with the conditions of women, the Iddat can be more than 3 months or less than that.

If, the wife is pregnant at the time of divorce and repudiation, then, her waiting period is until the delivery of the baby, whether she gives birth in less than three months' period. As, Allah the Almighty has said in the holy Qur'an: وَأُوْلاَتُ الأَحْمَالِ أَجَلُهُنَّ أَنْ يَّضَعْنَ حَمْلَهُنَّ and for those who are pregnant, their term is until they give birth. (Al-Talaq 4).

Note: If it is known after the death of husband or divorce, that she is pregnant, then, her waiting period will be the delivery of the baby, even though the period is of 9 months.

The women whose menstruation is stopped due to reaching an old age or menstruation did not yet started, and then in the event of divorce, her iddat will be three months. As, Allah the Exalted has said in the Holy Qur'an: وَالّٰلاَئِيْ يَئِسْنَ مِنَ الْمَحِيْضِ مِنْ نِسَآئِكُمْ إِنِ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلاَثَةُ أَشْهُرٍ وَالّٰلاَئِي لَمْ يَحِضْنَ

"And those who no longer expect menstruation among your women - if you doubt, then their period is three months, and (also for) those who have not menstruated." (Al-Talaq 4).

After marriage, but before having sexual intercourse with the wife, if she was divorced, then there is no Iddat for that woman. As, Allah the Exalted has said in the Holy Qur'an:
يَا أَيُّهَا الَّذِيْنَ آمَنُوْا إِذاَ نكتحتم المؤمنات ثم طللقتموهن من قبل أن تمسوهن فما لكم عليهن من عدة تعتدونها
(Al-Ahzab 49) O You who have believed, when you marry believing women and then divorce them before you have touched them, then there is not for you any waiting period to count concerning them.

Note: In event of the death of the husband after getting marriage, but before having real sexual intercourse, then there is no Iddat for such woman also. Viewing commonness of Surat Baqarah verse 234 and in the light of other authentic Ahadith, there is a consensus of Muslim Ummah on this matter.

Note: Having been entered into a marriage pact, if the husband divorced, before having sexual intercourse, then he has to pay half dower. (And if you divorce them before you have touched them and you have already specified for them an obligation, then (give) half of what you specified). (Baqarah 237)

Benefits of Iddat (Waiting Period)

There are many earthy and heavenly benefits of Iddat, some of them are as under:

1. Iddat (waiting period) is the pursuit of pleasure and contentment of Allah the Exalted. As, because the obedience of Allah's commands is worship and worship is a means for nearing to Allah.
2. The most important purpose for enjoinment of Iddat is to ascertain the fact that there is no effect of the former

husband in the uterus, so that no doubt should be there in the child's ancestry.

3. Since marriage is a great blessing of Allah, this is why, upon its breakage, Iddat (waiting period) becomes due.
4. For knowledge and cognition of lofty goal of marriage, Iddat has been obligated, so that it is not considered a child's play by a man.
5. Due to the death of husband, a gap and vacuum which is created in the home and family, Iddat is made obligatory for wife to keep his remembrance for some more time.

Miscellaneous Issues

- Iddat of a woman (either divorced or widow) in all cases, will be whether delivery of baby or miscarriage (or whatsoever reason may be for that.)
- Iddat will start right after the death of husband or divorce, whether the news of death or divorce reaches the wife in late.
- The divorced or widow should not get out of the house during waiting period without legitimate reasons.
- If she faces difficulty in spending waiting period in husband's house, then she can also spend waiting period in her own family or another house. (Talaq 1)
- It is prohibited for woman to get marry to another person during Iddat, however, engagement can be done. (Baqarah 234/235)
- The woman whose husband has expired, then during waiting period, she is not allowed to use perfume, to beautify, apply eye kohl and needlessly use perfumed oil, henna and wear the most glamorous clothes.

- If the husband passed away on the first lunar day, then months have to be completed according to the lunar system, whether months is of 29 or 30 days, Iddat will end on the 11th day of the lunar system.
- If the husband dies on a day other than the first day, then Iddat will be of 30 days. There is another opinion of scholars that after four months from the date he died, 10 more days would have to be increased, for instance, he died on 15 Muharram, then her iddat will end on 26 Jamadiul Awwal.
- If the wife, in the event of death of her husband or divorce, does not observe Iddat or she began observing Iddat but did not complete, and then she will be considered a lawbreaker which is a great sin. So she has to repent and seek pardon from Allah and she must accomplish her Iddat.

During Iddat of a divorced, the husband is fully responsible for her provision of alimony.

Author’s Introduction

Dr. Mohammad Najeeb Qasmi is an alumnus of Darul Uloom Deoband and Jamia Millia Islamia, New Delhi. Beside hundreds of short Islamic articles that he keeps contributing to various websites, daily newspapers and monthly magazines, he has authored so far 16 books in Urdu and his 14 books have been translated into English & Hindi. He also organizes Hajj Orientation programme once in a year at Riyadh, Saudi Arabia to provide accurate guidance to the pilgrims.

He belongs to an educated family of Sambhal, UP, India. His grandfather Maulana Mohammad Ismail Sambhali was a freedom fighter and a renowned scholar of *Hadith*. He taught *Bukhari* for 17 years in different institutes of India, whereas his maternal grandfather Mufti Musharraf Hussain worked in various Madaris in India as chief Mufti and *Muhaddith*.

After completing Islamic studies and theology at Darul Uloom Deoband in 1994, Dr. Najeeb Qasmi joined Jamia Millia Islamia University (JMI), New Delhi where he graduated in Arabic and two courses of translation (Arabic into Eng & Vice Versa). He also completed MA in Arabic from Delhi University (DU).

Dr. Mohammad Najeeb Qasmi has been awarded PhD from JMI in 2014 on the topic الجوانب الأدبية والبلاغية والجمالية النبوي من الصحيحين في الحديث under the supervision of Prof. Shafiq Ahmad Khan Nadwi & Prof. R. I. Faynan. Dr. Najeeb Qasmi has been working in Riyadh since 1999.

The mobile application (Deen-e-Islam) of his website (www.najeebqasmi.com) is spreading the message of Islam in Urdu, Hindi & English languages. This App is a collection of his 200 articles on different topics, 100 speeches and seven books. This App is available in Play Store as well as Apple Store which can be easily downloaded to a supporting device within 2 minutes even in urban and rural areas of India & Pakistan.

A similar App for Hajj and Umrah (Hajj-e-Mabroor) is also launched. All the issues related to Hajj and Umrah are presented through this App in Urdu, English and Hindi. Once the App is installed, pilgrims will no longer need to carry books of Hajj and Umrah. They can get information using that App and perform their Hajj or Umrah in Sunnah way. The App includes nine speeches, a presentation on how to perform Hajj and Umrah and 23 articles. If App is installed in the mobile phone, pilgrims can use it while being in Makkah, Mina, Muzdalfah and Arafat.

Various famous Ulamas of Indo-Pak, religious institutions and professors of several universities have also recommended to use both Apps (First Islamic mobile Apps of the world in three languages) by writing testimonials in favour of it.

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AUTHOR'S BOOKS

IN URDU LANGUAGE:

حج مبرور، مختصر حج مبرور، حی علی الصلاۃ، عمرہ کا طریقہ، تحفۂ رمضان، معلومات قرآن، اصلاحی مضامین جلد ۱،
اصلاحی مضامین جلد ۲، قرآن وحدیث: شریعت کے دو اہم ماخذ، سیرت النبی ﷺ کے چند پہلو،
زکوۃ وصدقات کے مسائل، فیملی مسائل، حقوق انسان اور معاملات، تاریخ کی چند اہم شخصیات، علم وذکر

IN ENGLISH LANGUAGE:

Quran & Hadith - Main Sources of Islamic Ideology
Diverse Aspects of Seerat-un-Nabi
Come to Prayer, Come to Success
Ramadan - A Gift from the Creator
Guidance Regarding Zakat & Sadaqaat
A Concise Hajj Guide
Hajj & Umrah Guide
How to perform Umrah?
Family Affairs in the Light of Quran & Hadith
Rights of People & their Dealings
Important Persons & Places in the History
An Anthology of Reformative Essays
Knowledge and Remembrance

IN HINDI LANGUAGE:

क़ुरान और हदीस - इस्लामी आइडयोलॉजी के मैन सोर्स
सीरतुन नबी के मुख़्तलफि पहलू
नमाज़ के लिए आओ, सफलता के लिए आओ
रमज़ान - अल्लाह का एक उपहार
ज़कात और सदक़ात के बारे में गाइडेंस
हज और उमराह गाइड
मुख़्तसर हज्जे मबरूर
उमरह का तरीका
पारविारकि मामले क़ुरान और हदीस की रोशनी मे
लोगों के अधकिार और उनके मामलात
महत्वपूर्ण वयक्ति और सथान
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